

Rape myths and domestic abuse myths as hermeneutical injustices

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Abstract

This paper argues that rape myths and domestic abuse myths constitute hermeneutical injustices. Drawing on empirical research, I show that the prevalence of these myths makes victims of rape and of domestic abuse less likely to apply those terms to their experiences. Using Sally Haslanger's distinction between *manifest* and *operative* concepts, I argue that in these cases, myths mean that victims hold a problematic operative concept, or working understanding, which prevents them from identifying their experience as one of rape or of domestic abuse. Since victims in this situation lack the conceptual resources needed to render their experience sufficiently intelligible, they are suffering a form of hermeneutical injustice. Attending to this distinctive case sheds new light not only on the functioning of social myths of this kind but on the nature of hermeneutical injustice itself, since the case of the victim who accepts myths is importantly different from other cases of hermeneutical injustice discussed in the literature to date. In practical terms, this analysis supports calls for juries in rape trials to be warned about rape myths at the start of the trial, and may have implications for calls for statutory Sex and Relationships Education in schools.

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Miranda Fricker, in her book *Epistemic Injustice: Power and the Ethics of Knowing*, introduces the concept of *hermeneutical injustice*.¹ Epistemic injustice in general occurs when a subject is wronged in her capacity as a knower. Hermeneutical injustice is a particular species of epistemic injustice that is defined as ‘the injustice of having some significant area of one’s social experience obscured from collective understanding owing to hermeneutical marginalization’ (158). Fricker introduces hermeneutical injustice using the case of Carmita Woods, a woman who experienced what we now term sexual harassment, at a time before such a concept existed. Unable to explain what was happening to her in a way that accurately represented its seriousness, Woods found herself unable to claim unemployment compensation after she was forced to leave her job. When she compared her experiences with those of other women, significant commonalities emerged, and the women coined the term ‘sexual harassment’ to refer to the phenomenon. Given the seriousness and prevalence of sexual harassment, there ought to have been such a concept all along, and its absence was due to the fact that women’s experiences were not being adequately reflected in our shared conceptual resources. The initial difficulty Woods and others experienced in accurately conceptualizing and communicating their experiences of sexual harassment due to lack of an appropriate concept was a hermeneutical injustice.

¹ Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford: Oxford University Press, 2007).

This paper applies Fricker's account of hermeneutical injustice to the phenomenon of persistent social misconceptions, or myths, surrounding forms of sexual or intimate violence, specifically rape and domestic abuse. Such myths function to obscure understandings of these phenomena, including victims' understanding of their own experiences.² I argue that the functioning of these myths should be understood as a form of hermeneutical injustice. However, these myths constitute a distinctive kind of hermeneutical injustice which is importantly different to those cases discussed in the literature to date, and which requires a different analysis. Having developed such an analysis, I show how viewing rape myths and domestic abuse myths as hermeneutical injustices has important practical implications for policy concerning these forms of violence.

I'll proceed as follows. In section 1, I'll explain how victims' understandings of rape and domestic abuse can be obscured by myths. In section 2, I'll analyze the way in which these experiences are obscured using Sally Haslanger's distinction between manifest and operative concepts. In section 3, I'll show how this constitutes a case of hermeneutical injustice. In section 4, I'll explain why this highlights a different variety of hermeneutical injustice to those discussed previously. In section 5, I'll demonstrate the practical implications of my analysis to policy and activism concerning rape and domestic abuse. Section 6 concludes.

² I use the term 'victim' in this paper to refer to those who have been subjected to rape or to domestic abuse. However, I acknowledge that different individuals prefer different terms, and that not all individuals to whom I am referring would be comfortable with the term 'victim'. For clarity, I need to use one single term, and 'victim' is the most appropriate option. For example, 'survivor' would not be appropriate in the context of this discussion because I need to include those who are subject to ongoing abuse, including those who do not survive this abuse.

1. Myths about domestic abuse and rape

Rape myths are inaccurate perceptions concerning rape. Common rape myths include the following:

1. That rape always involves overwhelming physical force, and that victims of rape always physically resist their attacker.
2. That consent cannot be withdrawn part-way through a sexual act.
3. That consent is automatically present if a prior consensual sexual act between the same parties recently took place.
4. That rape is only committed by strangers and cannot occur within marriage/a relationship/a friendship.
5. That it is reasonable to for someone to assume that another person consents to sex if that person acts or dresses in a way that is “sexually teasing” or “sexually provocative”; or, that victims of rape who acted or dressed in a “sexually teasing” or “sexually provocative” way deserved to be raped.

These myths are all in contradiction with UK law, which defines rape as intentional penetration with the penis of the vagina, anus or mouth, without consent and without reasonable belief in consent.³ Nevertheless, it has been shown that rape myths are widely accepted, with worrying implications.⁴ For instance, research has established that jurors in rape trials who accept rape myths are more likely to acquit.

⁵ My focus on this paper, however, is primarily on the impact of rape myths on

³ Sexual Offences Act 2003, Part 1, Section 1. [Online] Available: <http://www.legislation.gov.uk/ukpga/2003/42/section/1>

⁴ Nina Burrowes, *Responding to the challenge of rape myths in court* (NB Research: London, 2013) [Online]. Available: <http://www.nb-research.co.uk/index.php/projects-2/>

⁵ Burrowes, op. cit.

victims of rape themselves. In a 2004 study, Peterson and Muehlenhard looked at rape myth acceptance among a group of women who had been raped.⁶ Some of the women had been victims of what Peterson and Muehlenhard term 'unacknowledged rape': that is, the women reported an experience that matched the legal definition of rape, but were not willing to apply the term 'rape' to the experience. The researchers investigated the hypothesis that among women who had been raped, those women who did not acknowledge the rape were more likely (a) to accept rape myths, and (b) to have been raped in circumstances which matched the rape myths they accepted. They found support for this hypothesis in relation to two rape myths, corresponding to 1 and 5 above. This is to say that for certain rape myths, participants who had been raped in a way that corresponded to the myth *and* who accepted the myth were significantly less likely than other participants to have acknowledged the rape. Specifically, participants who (a) accepted the rape myth 'a woman who "teases" men deserves anything that might happen' and (b) described their own actions before being raped as "sexually teasing" were less likely than other participants to have acknowledged the rape. Similarly, participants who (a) accepted the rape myth 'If a woman does not physically fight back, you cannot really say it was rape' and (b) reported they had not physically fought back in the case of their own rape were less likely than other participants to have acknowledged the rape. Peterson and Muehlenhard's research therefore strongly suggests that one effect of rape myths is to prevent some victims of rape from conceptualising their experience *as* one of rape.

⁶ Zoë D. Peterson and Charlene L. Muehlenhard, 'Was It Rape? The Function of Women's Rape Myth Acceptance and Definitions of Sex in Labeling Their Own Experiences', *Sex Roles*, 52, 3/4, (2004): 129-144

A similar effect appears to apply to myths about domestic abuse, although there is no direct research in this case. Domestic abuse, as a concept, was brought to public consciousness in the 1970's by the feminist movement, much like the concept of sexual harassment discussed by Fricker in her account of hermeneutical injustice. The term 'domestic abuse' named something that had previously happened but that was seldom recognised as a crime. Domestic abuse is now well defined in law and policy in many jurisdictions. The UK cross-government definition of domestic abuse is as follows.

[A]ny incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.

The abuse can encompass, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional⁷

This quite inclusive definition enjoys widespread support among agencies working to combat domestic abuse. At the same time, however, myths about domestic abuse are sufficiently widely accepted that most domestic abuse charities have a page on

⁷ Home Office, 'Guidance: Domestic Violence and Abuse' [Online]. Available: <https://www.gov.uk/domestic-violence-and-abuse>

their website specifically dedicated to countering them.⁸ Based on a survey of such pages on the websites of UK-based charities, these myths include the following:

1. That domestic abuse is always physical.
2. That domestic abuse is always perpetrated against women, by men, within the context of an intimate relationship.
3. That domestic abuse only occurs in contexts of poverty and deprivation.
4. That domestic abuse typically involves or is caused by drug use or excessive alcohol.
5. That a “genuine” victim of domestic abuse will certainly leave the relationship at once; victims who stay with violent partners are complicit in the abuse/desire the abuse/are not really being abused.

Do these myths function in the same way that rape myths were shown to function in Peterson and Muehlenhard’s study? Whilst no directly analogous study is available, it does appear to be the case that a significant proportion of people who experience domestic abuse are reluctant to apply the term to their situation. In a 1999 UK-based survey carried out on behalf of the Home Office, only one third of those who described themselves as having been physically assaulted by a partner also described themselves as having been a victim of ‘domestic violence’.⁹ It should also be emphasised that this finding does not tell us anything about those subject to

⁸ http://www.hiddenhurt.co.uk/domestic_violence_myths.html
<http://refuge.org.uk/get-help-now/what-is-domestic-violence/myths-of-domestic-violence/>
<http://www.endthefear.co.uk/information/what-is-domestic-abuse/myths-about-domestic-abuse/>
⁹ C. Mirlees-Black, *Domestic violence: findings from a new British crime survey self completion questionnaire* (London: Home Office, 1999, Home Office research study 191.) See p.49. I use the term ‘domestic abuse’ in this paper as it is the preferred term in policy; however, the 1999 survey used ‘domestic violence’, which was standard at that time, so I follow this usage here as it may have been relevant to people’s responses.

non-physical forms of domestic abuse, who may be even less likely to conceptualise their situation as one of domestic abuse.

There is also ample anecdotal evidence that some victims and survivors of domestic abuse do not conceptualise their experience as one of domestic abuse. The following three quotations from different survivors of domestic abuse are taken from the website of Women's Aid, a UK-based domestic abuse charity.

I didn't even realise it was domestic violence until someone called it that at the A & E department.¹⁰

I'm a social worker now, and the scary thing is that I still meet people who don't realise they are living with domestic abuse or where to get help.¹¹

I was never injured to the point where I would need to go to hospital so I never equated the abuse with my view of domestic violence.¹²

It therefore seems quite possible that domestic abuse myths are, like rape myths, partially responsible for the fact that some victims do not conceptualise their

¹⁰ Women's Aid. 'Survivor story: Amy'. [Online] Available: <http://www.womensaid.org.uk/page.asp?section=00010001000800140001§ionTitle=Survivor+story%3A+Amy>

¹¹ Women's Aid. 'Survivor story: Carole'. [Online] Available: <http://www.womensaid.org.uk/page.asp?section=00010001000800140011§ionTitle=Survivor+story%3A+Carole>

¹² Women's Aid. 'Survivor story: Lisa'. [Online] Available: <http://www.womensaid.org.uk/page.asp?section=00010001000800140012§ionTitle=Survivor+story%3A+Lisa>

experience as one of domestic abuse.¹³ How can we understand this phenomenon in more detail?

I suggest that, in these cases, acceptance of myths leads people to develop a working understanding of rape or of domestic abuse that encodes faulty assumptions, such that it excludes certain abusive situations by definition. To take the case of domestic abuse, someone who accepts the first two myths listed above may think that domestic abuse *just means* “men beating up their wives or girlfriends”. This understanding will exclude cases that do not involve a male abuser and female victim (such as female abusers of male victims, and abusers in same-sex relationships); instances where the abuse does not take the form of severe physical violence; and instances where the victim is not in an intimate relationship with the abuser (they are ex-partners or family members). The more myths that are accepted, the narrower the understanding of domestic abuse will be. Someone who accepts myths 1-4, for example, might think that domestic abuse consists of “*poor men getting drunk or high* and beating up their wives or girlfriends”. This understanding will also exclude cases on the basis of social class and the lack of involvement of alcohol or drugs. Thus, despite the fact that the official definition of domestic abuse *covers all of these situations*, due to myths, people may hold a working understanding of domestic abuse that excludes one or more of them. If someone

¹³ Clearly, many factors may play a role in unwillingness to recognise that one has been the victim of an abuse, especially an abuse of an intimate nature, including psychological mechanisms associated with trauma. It is important to note, then, that in what follows I am only concerned with the role played by the misunderstandings and myths that surround domestic abuse and rape, not with all the factors that affect a victim’s conceptualisation of their experience. I accept that the interference of myths is one factor among many that may lead victims of rape or of domestic abuse to reject these terms as descriptions of their experiences, and that in particular cases it may well be impossible to isolate a decisive factor. The ensuing discussion, then, should be read as an attempt to elucidate the interference of myths as one of these factors, not as an isolated and overriding factor.

who holds one of these problematic understandings of domestic abuse is actually abused themselves, their misconceptions may play a role in preventing them from understanding their situation as one of domestic abuse. The case of rape can be analysed in the same way.

If this analysis is correct then it seems, *prima facie*, that such cases may qualify as instances of hermeneutical injustice. As Fricker puts it, hermeneutical injustice is ‘the injustice of having some significant area one’s social experience obscured from collective understanding owing to hermeneutical marginalization’ (p. 158). In the cases I am concerned with the subject is unable to make sense of an area of her experience that it is strongly in her interests to make sense of, because she is not able to access the conceptual resources necessary to do so. However, this seems like an odd sort of conceptual impoverishment, for concepts of rape and of domestic abuse are present in law and policy and would include the experiences in question. So what is going on here? How can these be cases of conceptual impoverishment, much less hermeneutical injustice, when the concepts that are needed are right there, enshrined in law and policy? Since this kind of phenomenon has been shown to be quite common, it seems to me to be important to try to uphold the idea that relevant conceptual resources really might not be accessible to the victim, and therefore that this *is* a genuine case of hermeneutical injustice. Otherwise, we would reach the conclusion that victims just fail to make use of resources they have at their disposal, and this comes uncomfortably close to victim-blaming.¹⁴ In what follows,

¹⁴ I am not claiming that it would necessarily and absolutely commit one to a position that constitutes victim-blaming; however, I do think that it seems to lead in that direction. This means that, as feminists, we have reason to try and avoid taking that option if we can.

therefore, I shall try to explain how this case constitutes one of hermeneutical injustice.

2. Manifest and operative concepts

I propose to use the distinction between manifest and operative concepts, articulated by Sally Haslanger, to explain what is happening in the situation described above.¹⁵ Haslanger notes that sometimes the formal definition of a concept does not fit with the way that it is systematically applied. She uses the term 'manifest concept' to refer to the explicit official or formal definition, and the term 'operative concept' to refer to the implicit definition that would be extrapolated from actual usage in a given community. For example, being tardy, or late, for school might be officially defined by the school rules as 'arriving after 8.50'; but if no-one is ever marked 'tardy' unless they miss the ten-minute registration period entirely, then in practice a student will only count as being tardy if they arrive after 9.00. If different teachers have different practices for taking the register, with some marking a student as tardy if she is not present when her name is called and others taking a more lenient approach, then what counts as 'tardy' will vary from classroom to classroom.

In this case, multiple operative concepts are at play, including 'arriving after the end of registration period (9.00)', and 'arriving after one's name is called in the register'. Since operative concepts are based on practices, members of a community within

¹⁵ Sally Haslanger. 'What Are We Talking About?: The Semantics and Politics of Social Kinds'. in S. Haslanger, ed. *Resisting Reality: Social Construction and Social Critique*. (Oxford: Oxford University Press, 2012), pp. 365-380.

which practices are shared will tend to have similar operative concepts – for example, all the pupils in a particular form might share the same operative concept of tardiness, because they have experienced the practices of the same teacher. Note that the fact that operative concepts are based on practices entails that they cannot be purely individual and idiosyncratic, but must have a certain momentum of usage.

The manifest concept of ‘tardy’, on the other hand, is ‘arriving after 8.50’, since this is the concept enshrined in the official location of the school’s rules which overrides the register-taking practices of particular teachers. Part of what it means for some concept to be a manifest concept, then, is for it to occupy a position of authority. For instance, in a dispute about punishment for tardiness, a parent might protest that their child was not regularly tardy because they always arrived before 9.00. The school governors, however, could appeal to the school’s definition of tardiness as ‘arriving after 8.50’, and this would be decisive. Note that it follows from this that manifest concepts will be specific to particular domains, which match the boundaries of the authority in question. In another school or another district, for example, where the rules of tardiness are different, there will be a different manifest concept.

Applying this distinction to the concepts of rape and of domestic abuse, we can see the legal and state policy definitions of rape or of domestic abuse as the manifest concept in each jurisdiction. So, for example, the definitions given above constitute the manifest concepts within the UK. On the other hand, the widely shared informal and implicit working understandings that people have of rape or of domestic abuse can be said to constitute operative concepts. Granted, it seems that there are multiple different working understandings reflecting alternative practices of

ascribing these labels. Nevertheless, these working understandings are common to enough people to make it sensible to talk of shared practices and, hence, of operative concepts.

Given that myths about rape and domestic abuse are widely accepted and can be discerned in widespread practices (such as the practice of taking a dismissive attitude towards victims of these forms of violence), it seems that many of the current operative concepts do incorporate distorting factors stemming from myths. At the same time, the manifest concepts, though they are well-suited to capturing experiences of violence, exist in the realm of policy and law but will not always be readily available in everyday discourse. The outcome is that many people acquire an operative concept of rape or of domestic abuse that is deeply problematic, inappropriately excluding certain situations by definition from counting as rape or as domestic abuse. If someone in this position suffers rape or domestic abuse, their operative concept of that phenomenon may not apply to their own situation, with the consequence that they do not consider themselves to have suffered rape or domestic abuse.

The picture I have built up here takes the legal and policy definitions of rape and of domestic abuse within the UK as its point of reference. The fact that these manifest concepts of rape and of domestic abuse are better than many of the operative concepts is purely contingent. The situation in other jurisdictions may well be different, and, in general, operative concepts will often be more positive than manifest concepts. Given that this is so, it is important to note here that the gap between manifest and operative concepts need not always be a bad thing.

Sometimes, an excellent operative concept may be in use, even though the manifest concept is absent or deficient. For example, consider the point in time when Carmita Woods and her consciousness raising group had come up with the term “sexual harassment”, but had not yet succeeded in getting this concept taken up by official bodies. Here, a good operative concept was present, but a manifest concept was still lacking. Another example of this kind of situation would be the concept of rape in the UK prior to the ending of the marital rape exemption in 1991. Although a husband’s having non-consensual sex with his wife could not legally be prosecuted as rape, many people were able to conceptualise it as rape nonetheless. These people had operative concepts of rape that (rightly) included non-consensual sex within marriage, even though the manifest concept (wrongfully) excluded these cases. In the cases of rape myths and domestic abuse myths that I am investigating here, however, it is the manifest concepts that are more suitable than the operative concepts – thanks to the hard work of campaigners who have successfully fought for improvements to law and policy.

3. Establishing a hermeneutical injustice

Consider again the explicit definition of hermeneutical injustice: ‘the injustice of having some significant area one’s social experience obscured from collective understanding owing to hermeneutical marginalization’ (Fricker, 158). There are three elements to this definition that are relevant here: the experience being *significant*, the experience being *obscured* from collective understanding, and the

subject being hermeneutically *marginalized*. I will show how each of these applies to the cases of rape myths and domestic abuse myths as I've analysed them here.

The first element of the definition of hermeneutical injustice is that the experience in question must be significant. The experience of suffering rape or domestic abuse is certainly a significant one. It is also one that a person has a strong interest in understanding: indeed, in some cases of domestic abuse the victim's very life will depend on recognising their situation to be one of domestic abuse and seeking help.

The second element is that the experience must be obscured from collective understanding. Because people hold faulty operative concepts, domestic abuse is obscured from collective understanding: many people are not able to recognise a situation of rape or of domestic abuse (whether described, witnessed, or experienced) *as* a situation of rape or of domestic abuse. This makes these injustices extremely hard to protest: in the first instance, victims may not realize that they have suffered or are suffering rape or domestic abuse; and even if they do realize it, they may have difficulty getting others to recognize it also. Protests are, therefore, both less likely to be made *and* less likely to be properly recognised when they are made. Thus, victims of rape and of domestic abuse are at risk of having their experience of that injustice obscured from collective understanding.

The third element of hermeneutical injustice is that the problem must stem from the victim's hermeneutical marginalization. In general, victims of rape and of domestic abuse are hermeneutically marginalized by the stigma associated with rape and abuse, including the tendency to blame victims for their own rape or abuse. This stigma makes it difficult and costly for a person to speak publicly about being the

victim of rape or of domestic abuse. More specifically, the groups of victims most likely to find their experiences excluded from operative concepts of rape or of domestic abuse may be especially hermeneutically marginalized due to the way that discourse around these forms of violence has developed. Take the case of male victims of domestic abuse. In the majority of cases of domestic abuse the victim is a woman and the abuser is a man.¹⁶ Moreover, this fact has been emphasized by the feminist organizations that have played a vital role in opposing domestic abuse, including bringing the phenomenon to public awareness and developing the concept used in policy. As a consequence of these two factors, discourses around domestic abuse tend to centre a situation where there is a female victim and a male perpetrator in a heterosexual relationship. Thus, male victims as a group have been hermeneutically marginalized even within conversations about domestic abuse. This is not to say that the way that opposition to domestic abuse has been conducted has *necessarily* been at fault (although it may have been; I take no position on this here). As Fricker notes, marginalization need not always be a consequence of broader oppression but can sometimes happen in an ‘incidental’ or highly localised way.¹⁷ In such cases, members of socially powerful groups may be hermeneutically marginalised in respect of one specific aspect of their life or experience. Given the systematic pattern of gender in domestic abuse and the significance of this for the broader politics of gender relations, a feminist analysis is entirely appropriate. The potential for male victims to be hermeneutically marginalized within these conversations is a possible side-effect of this analysis, and one that certainly ought to

¹⁶ Women’s Aid. ‘Statistics’. 2013. [Online] Available: womensaid.org.uk

¹⁷ *op.cit.*, p. 158

be guarded against and mitigated wherever possible; nevertheless, it does not, by itself, invalidate a feminist framing of the issue of domestic abuse.

All three conditions, then, are satisfied when the case is conceptualised in the way I suggest. A broader condition for applying the concept of hermeneutical injustice is that a serious wrong should be taking place. Being prevented from accurately conceptualizing one's own experience of rape or of domestic abuse due to systematic social misconceptions clearly satisfies this broader condition as well. Justice cannot be pursued, processes of healing may be delayed or prevented, and crucial protective steps may not be taken. Moreover, it would seem that being systematically hindered in recognizing that one has been wronged adds further insult to the moral injury of having been wronged in the first place.

It follows that when a problematic operative concept of rape or of domestic abuse that has been shaped by myths prevents an experience of rape or of domestic abuse from being understood as such, the victim of the rape or abuse does suffer a hermeneutical injustice.

4. Types of hermeneutical injustice

Having established that rape myths and domestic abuse myths do constitute hermeneutical injustices, I will now show how these cases are importantly different from the examples of hermeneutical injustices that have been discussed in the literature to date.

Fricker identifies three dimensions of internal diversity within hermeneutical injustice.¹⁸ The first concerns the degree of misunderstanding that is present. How severe is the intelligibility deficit? In other words, what degree of intelligibility is still possible? On the one hand, the experience may be completely unintelligible, and correspondingly impossible to communicate to others. On the other hand, it might be possible to understand, and hence explain, the experience to a significant degree, with just some small points of compromised intelligibility. The second dimension of diversity concerns the extent of the unintelligibility of the experience. To whom (if anyone) is the experience intelligible, and to whom is it unintelligible? In some cases, the experience may be unintelligible to everyone, including the subject herself. In others, the experience may be intelligible to the subject and also to many others, but not to some key others to whom she wishes to communicate it. The third dimension concerns the manner in which the intelligibility deficit manifests. To what extent is the intelligibility deficit due to the content of the experience being inadequately conceptualised, and to what extent is it due to the style of the attempted communication being inadequately understood? Perhaps there are no concepts or terms that suitably describe the experience. Or perhaps the unintelligibility stems rather from the fact that the manner in which the subject attempts to describe the experience is not recognised as expressing what she is attempting to convey. All of these dimensions of variance are matters of degree, such that most cases will fall somewhere between the sets of extremes described here. I think that the case

¹⁸ Miranda Fricker, 'Epistemic Justice as a Condition of Political Freedom?', *Synthese*, 190 (2013): 1317–1332

identified above sheds new light on the first and second dimensions of variance, as I'll explain.

When we consider the first dimension of variation of hermeneutical injustice, the severity of the intelligibility deficit, we should bear in mind that there can be different situations regarding manifest and operative concepts. The current question to be asked regarding this dimension of variation is how much or little understanding the experience admits of. The possibility of a deficit that is due to a gap between manifest and operative concepts raises new questions to be asked in this connection: Is there a concept of any kind, manifest or operative, that would render the experience intelligible? In other words, how big is the difference between the operative concept the subject or her interlocutor holds, and the concept (be it an alternative operative concept, or a manifest concept) that would render her experience intelligible? These add more nuance to the issue of how severe the intelligibility deficit is. (As I shall argue in section 5 below, it also tells us something about the kinds of remedies that will be required to combat hermeneutical injustice.)

I turn now to the second dimension of variability, which has been the focus of most attention in the literature to date. The recognition that experiences can be intelligible to some subjects and unintelligible to others draws attention to the fact that hermeneutical resources, like other epistemic resources, are not uniform across social locations. Rather, they are unevenly distributed such that different concepts are available to differently situated knowers. Jose Medina expresses this

heterogeneity with the idea that epistemic interactions are ‘polyphonic’, composed of a blend of different voices, some of which are more dominant than others.¹⁹

Fricker’s original account of hermeneutical injustice is most closely concerned with cases in which the relevant conceptual resources are unavailable to the victim of the injustice and to their intended audience.²⁰ In such cases, the subject is prevented from making sense of their own experience and from communicating it to others.

The case of Carmita Woods discussed above is the paradigm example here. Another kind of case that has been discussed is exemplified in the phenomenon of ‘white ignorance’.²¹ White ignorance is ignorance on the part of white subjects that concerns racial dimensions of experience, is caused by racial factors, and functions to help perpetuate white privilege. For example, a white person in the U.S. may lack an awareness of the full history of formal racial exclusion due to having grown up in a white community where these things are not understood or talked about, despite the fact that black communities have memories of formal racial exclusion that are more accurate. Such a person will be unaware both of the role that racism plays in the lives of non-white people, and also of the role white privilege plays in her own life. Moreover, race features in the causal explanation of why she is unaware of these things: her ignorance is caused by her having grown up in a white community

¹⁹ Jose Medina, *The Epistemology of Resistance*. (Oxford: Oxford University Press, 2013).

²⁰ Fricker 2007, op. cit. It is worth noting here that although this kind of case was Fricker’s initial focus, the polyphonic nature of hermeneutical resources is acknowledged in her subsequent work on hermeneutical injustice (Fricker 2013, op. cit, p. 1319). Her current stance is thus compatible with Medina’s extremely illuminating discussion of polyphony (Medina, op. cit.).

²¹ For a discussions of the relationship between white ignorance and hermeneutical injustice, see Miranda Fricker, ‘Epistemic Injustice and the Preservation of Ignorance’, in R. Peels and M. Blaauw, eds. *The Epistemic Dimensions of Ignorance* (Cambridge: Cambridge University Press, forthcoming). Medina, op. cit. Charles W. Mills, ‘White Ignorance and Hermeneutical Injustice: A Comment on Medina and Fricker’. *Social Epistemology Review and Reply Collective*, 3, 1 (2013): 38-43. Gaile Pohlhaus, ‘Relational Knowing and Epistemic Injustice: Toward a Theory of *Willful Hermeneutical Ignorance*’, *Hypatia*, 27, 4 (2012): 715-735. On white ignorance, see Charles W. Mills, ‘White Ignorance’, in S. Sullivan and N. Tuana, eds. *Race and Epistemologies of Ignorance*. (Albany, NY: SUNY Press, 2007), pp. 13-38.

(and racial oppression is the reason that there are any such things as ‘white communities’ in the first place). Finally, this ignorance enables her to enjoy the benefits of her white privilege without being aware of it, and thus without having to confront the possibility of counteracting it in any way. Note that white ignorance can involve ignorance of facts, such as facts about the history of formal racial exclusion, but it can also involve poverty of concepts, for example lack of an understanding of the phenomenon of structural racism.

Accounts of white ignorance highlight the fact that the epistemic resources that are available to a subject (including both facts and concepts) vary across different social locations. The resources associated with dominant social positions will be such that they tend to obscure the experiences of subordinated or marginalized groups. Meanwhile, such groups may have their own alternative hermeneutical resources that are much more useful for making sense of their experiences. Interestingly, the ignorance of subjects in the privileged group may also result in a damaged self-understanding. A white person who is ignorant of the full history of racial oppression will fail to understand not only the experiences of racially subordinated others, but also the operation of white privilege in her own life. The upshot of this situation is that dominantly situated knowers may be at an epistemic disadvantage regarding both the experience of subordinated others *and* their own experiences. Since this central insight applies equally well to other dimensions of social privilege, such as gender and class, I will here use the term ‘privileged ignorance’ rather than

‘white ignorance’, so as to refer to this general phenomenon and not only to the specific case of race.²²

The cases of rape and domestic abuse as discussed in the previous section constitute a third kind of hermeneutical injustice, one that has not yet, to my knowledge, been discussed. In this kind of case, the relevant conceptual resources are available at some social locations but are inaccessible to the person who needs to render their experience of injustice intelligible. For example, a victim of domestic abuse might be unable to conceptualise her experience as one of abuse due to having a faulty operative concept, even though a social worker would immediately be able to identify the case as one of domestic abuse if she were aware of the facts. This is the reverse of privileged ignorance, where it is always those who are subject to injustice who have greater epistemic resources. Thus, the cases of rape and domestic abuse that I have described involve patterns of variegation in hermeneutical resources, but these patterns differ from the patterns of variegation present in cases of privileged ignorance. In cases of privileged ignorance, the subordinated or marginalised person is at an epistemic advantage compared to the privileged person. By contrast, the victim of rape or of domestic abuse in the situation I have described does not have access to a suitable concept of domestic abuse, even though such a concept is available, especially at official locations.

Here is a helpful way of thinking about all the possible ways in which two subjects may be situated in relation to (potentially variegated) hermeneutical resources. Suppose it is in A’s interest for an experience to be intelligible both to herself and to

²² Accounts of white ignorance are, as Mills acknowledges, closely related to feminist standpoint theory, which in turn has Marxist roots (Mills 2013, op. cit.).

B, another person to whom she seeks to communicate it. There are four ways in which A and B could be situated regarding the relevant concepts.

1. *Both A and B have all the relevant concepts to understand the experience.* The experience is intelligible to A, and A can successfully communicate the experience to B. There is no hermeneutical injustice in this case.
2. *A and B both lack one or more of the relevant concepts.* The experience will be unintelligible to A, who therefore cannot communicate it to B; furthermore, even if B possessed all the facts the experience would remain unintelligible to her too. This constitutes a hermeneutical injustice; the case of sexual harassment (at least in its early stages) falls into this category, where A is Carmita Woods and B is the person she spoke to about unemployment insurance.
3. *A has all the relevant concepts, but B lacks one or more of them.* The experience is intelligible to A herself but she cannot successfully communicate it to B. This constitutes a hermeneutical injustice; privileged ignorance falls into this category.
4. *A lacks one or more of the relevant concepts, though B has all of them.* The experience is unintelligible to A, and A therefore cannot communicate the experience to B directly; nevertheless, if B had access to all of the facts the experience would be intelligible to her. This constitutes a hermeneutical injustice; the cases of rape myths and domestic abuse myths may fall into this category if B is someone who is in contact with the manifest concept.

Having identified the possibility of this fourth kind of case thus gives us a more complete understanding of the ways in which hermeneutical injustice can manifest. It also draws our attention to the significance of hermeneutical injustice for justice more broadly. An important aspect of the particular harm of hermeneutical injustice is the way that it pre-emptively silences protests against other injustices. For example, hermeneutical injustice initially prevented Carmita Woods from protesting effectively against the sexual harassment (itself an injustice) that she was subjected to. What the possibility of cases of the fourth kind highlights is that this harm can be present even if there is an adequate concept present in some social location. In the cases of rape myths and domestic abuse myths as described above, victims are prevented from protesting against these injustices due to being unaware that what they have experienced actually constitutes rape or domestic abuse.

5. Practical implications

Rape myths have come under increasing official scrutiny in the last two years. Notably, Alison Saunders, the UK Director of Public Prosecutions, and Martin Hewitt, the UK Association of Chief Police Officers' lead for adult sexual offences, have called for juries in UK rape trials to be warned about rape myths at the start of the trial.²³ Although many judges include a caution against giving credence to rape myths in their advice to juries, this usually takes place at the end of a trial. By contrast, Saunders and Hewitt advocate that the discussion of rape myths take place at the

²³ Melanie Newman and Oliver Wright, 'Juries need to be taught about the realities of rape, says DDP', *Independent*, 06.05.14 [Online] Available: <http://www.independent.co.uk/news/uk/crime/juries-need-to-be-taught-about-the-reality-of-rape-says-dpp-9324838.html>

start of the trial, before evidence is heard, on the grounds that jurors often make up their minds during the course of the trial and are resistant to changing their opinion once it is formed. Thus, early warnings will be more effective in preventing jurors from being influenced by rape myths.

In a report commissioned by the BPP Law School, psychologist and researcher Nina Burrowes adds more detail to this justification.²⁴ Jurors, Burrowes suggests, reach opinions on rape cases by constructing a narrative of the relevant events, a structure that creates an intelligible and plausible story about what happened. This narrative is affected by four factors: the facts of the case as presented, the narratives presented by barristers, the myths the juror holds about courts and the legal process, and the jurors own understanding of what rape is and why it happens. When the juror's understanding of rape incorporates myths, this will affect the narrative that they form based on the facts of the case. For example, a juror who believes that rape always involves physical resistance from the victim may take the fact that the victim did not physically resist as evidence that they consented to sex. Once narratives are formed they are hard to change in light of a new understanding of what rape is, since the juror's assessment of all of the evidence presented will have been affected by the developing narrative and will need to be reconsidered.

My analysis of rape myths as helping to generate faulty operative concepts supports and augments Burrowes' argument. Jurors who have a faulty operative concept of rape will have an inaccurate understanding of *what it is they are meant to be deciding upon*. They will, in a sense, be asking the wrong question as they hear the

²⁴ Burrowes, op. cit.

evidence. Let 'rape[correct]' represent an operative concept of rape that matches the manifest concept, and let 'rape[faulty]' represent an operative concept of rape that incorporates rape myths and hence does not match the manifest concept. Instead of asking, 'does what happened constitute rape[correct]?', jurors are asking, 'does what happened constitute rape[faulty]?'. The narrative they form will be a narrative about how what happened did, or did not, constitute rape[faulty], rather than a narrative about how what happened did, or did not, constitute rape[correct]. The narrative will not only be *shaped by* myths, but will, due to myths, be a narrative *about the wrong thing*. Rape myths, therefore, do not only affect assessments of the credibility and culpability of different witnesses, but also affect the whole narrative a juror constructs about a case, including the central question around which the narrative is framed. For this reason, it is indeed crucial that warnings about rape myths take place at the beginning of the trial, as Saunders and Hewitt advocate, and not at the end. Moreover, if it is true that domestic abuse myths work in the same way as rape myths, my argument also entails that the possibility of equivalent instructions in trials concerning domestic abuse should be thoroughly explored.

The impact of rape myths and domestic abuse myths on trials is an extremely important issue. However, my analysis of these myths has practical relevance that goes beyond the specific issue of trials, for it establishes that the prevalence of rape myths and domestic abuse myths is actually an injustice *in and of itself* – a hermeneutical injustice. It should therefore be of concern generally, and not only when it poses a threat to the just outcome of trials. One way of trying to combat this hermeneutical injustice is to try to ensure that everyone to whom a victim of rape or of domestic abuse is likely to turn is well informed about the relevant myths.

However, this will only be of limited help, since, as mentioned above, if the victim of the injustice is herself unable to access the concepts she needs then she may not even be able to conceptualise her own situation in a way that would enable her to inform relevant authorities. It is, of course, crucial that all police officers, social workers, doctors and so on have excellent understandings of rape and of domestic abuse; it is also essential that a strong message be conveyed that victims who come forward will be supported. Nevertheless, if hermeneutical injustice prevents victims of rape or of domestic abuse from recognising that they have suffered that crime, these other measures will not come into play. Measures to combat rape myths and domestic abuse myths and ensure that operative concepts are in line with manifest concepts must go beyond official locations and target the operative concepts held by those who may potentially become victims of these crimes.

One way of attempting to do this that is already being pursued by rape and domestic abuse charities and activist organisations is to target rape myths and domestic abuse myths through advertising campaigns. For example, in 2008 Scottish Rape Crisis launched a poster and advertising campaign to tackle rape myths. Images of women in “revealing” clothing, kissing a man, drinking, or getting married were accompanied by the slogan, ‘This is not an invitation to rape me’. The message that victims are never responsible for being raped is a powerful counterpoint to many rape myths. Another successful poster campaign is the one run by Sexual Assault Voices of Edmonton. In this campaign, launched in 2012, posters specifically aim to counteract misconceptions about what constitutes sexual consent. The slogan ‘It’s not sex when...’ is variously followed by, ‘... she’s passed out’; ‘...he changes his mind’; ‘...she doesn’t want to’; and ‘...she’s wasted’. Awareness campaigns such as these

have the potential to encourage people to revise faulty operative concepts of rape that reflect rape myths in favour of operative concepts that more closely match the manifest concept. If state bodies, such as police commissions, are serious about reducing rape, they should take heed of these campaigns and instigate similar ones themselves. Again, similar approaches could usefully be applied to domestic abuse.

The finding of this paper could also be usefully applied to the context of young people's education. Currently in the UK, schools have no legal obligation to provide Sex and Relationship Education (SRE). However, the last few years have seen increased calls for age-appropriate SRE to be made mandatory in schools, and proposals for statutory SRE in England are currently before a select committee.²⁵ The creation of a framework for statutory SRE education provides an ideal opportunity for a large-scale move to disrupt rape myths and domestic abuse myths that young people may hold. Campaigners and policy makers developing proposals for statutory SRE should be mindful of the hermeneutical injustice identified in this paper, and should investigate what kinds of education would be most effective at combatting it.

6. Conclusion

Myth surrounding rape and domestic abuse constitute a case of hermeneutical injustice of an unusual kind: an adequate concept is available in official locations, but is often not available to the subject who is suffering the injustice. I have used

²⁵ Sex Education Forum, letter to The Guardian, 5.6.14 [Online]. Available: <http://www.theguardian.com/education/2014/jun/05/teaching-sex-relationships>. See also Sex Education Forum, 'SRE – It's My Right' [Online] Available: <http://www.sexeducationforum.org.uk/policy-campaigns/sre-its-my-right.aspx>.

Haslanger's distinction between manifest and operative concepts to explain these cases: the subject, I've suggested, has a defective operative concept of domestic abuse, even though the manifest concept is fit for purpose. And I've shown that this case is importantly different from other cases of hermeneutical injustice in respect of how speakers and hearers may be positioned relative to hermeneutical resources. It is different both from symmetrical cases, such as the case of Carmita Woods, and from asymmetrical cases that involve privileged ignorance. Conceptualizing myths about domestic abuse, as well as rape myths, as a form of hermeneutical injustice ought to add urgency to the project of combating them through broader awareness raising and education.

This discussion should also serve as a reminder of the way that the mechanisms of active ignorance and structural injustice that generate hermeneutical marginalisation and hermeneutical lacunae function. Looking at the implications of rape myths and domestic abuse myths has shown that these mechanisms persist in generating hermeneutical injustice even once a concept *has* been developed and even enshrined in policy or law, through generating a pernicious distance between manifest and operative concepts. This possibility evidences the strength of these mechanisms, demonstrating that if we care about combating hermeneutical injustice we must be committed to undermining the social structures that perpetuate it.

NOTES