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EPISTEMIC INJUSTICE AND THE PHILOSOPHY OF RECOGNITION

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11 Male Sexual Victimization, Failures of Recognition, and Epistemic Injustice

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Introduction

How rape is defined affects how others respond to victim reports of rape as well as how the victims and survivors themselves label, experience, evaluate, and assimilate their experiences of sexual violence.¹ When a person's experiences of sexual violence do not reflect the paradigm of 'real rape', their status as victims may not be recognised by others, and in some cases, they may not even recognise themselves as victims. These failures of recognition can lead to additional harms beyond those of the sexual violence itself. When a person who has experienced sexual violence is not recognised as a victim, that person may be denied social, emotional, medical, and legal resources for recovery, or if that person does not recognise themselves as a victim, they will be unlikely to seek medical attention, mental health services, and legal recourse in the first place. The failure to recognise a victim of sexual violence as such also injures the victim's status as a subject. If the sexual violence they experience is not conceptualised as a harm at all or is not recognised as a harm endured by the victim, the person's self-confidence, self-respect, and self-esteem are endangered. To be targeted for sexual victimisation already entails an attack on one's status as a subject; to not have that experience recognised as a harm one has suffered entails an additional attack on one's status as a legal, moral, and epistemic agent.

Social epistemologists use the term *epistemic injustice* to refer to the ways in which a subject's ability to engage in epistemic practices is systematically obstructed. It can be in the form of *testimonial injustice*, "when prejudice causes a hearer to give a deflated level of credibility to a speaker's word".² It can be in the form of *hermeneutical injustice*, "when a gap in collective interpretive resources puts someone at an unfair disadvantage when it comes to making sense of their social experiences".³ Or, it can be in the form of *contributory injustice*, when the use of "structurally prejudiced hermeneutical resources thwarts a knower's ability to contribute to shared epistemic resources within a given epistemic community".⁴ In each of these cases, what makes epistemic injustice an

injustice rather than simply an epistemic harm is that it is often motivated by an identity prejudice and exacerbates existing social disadvantages and inequalities. In the case of *testimonial injustice*, a credibility deficit is assigned to speakers on the basis of their membership in a social group deemed untrustworthy. In the case of *hermeneutical injustice*, a hermeneutical lacuna epistemically marginalises a social group, resulting in the members' inability to understand their own social experience. And, in the case of *contributory injustice*, the wilful ignorance of a dominant epistemic community sustains the epistemic marginalisation of a particular social group, preventing the members from contributing their knowledge to collective understanding.

In this chapter, I argue that epistemic injustice is not only utilised against members of marginalised social identity groups to maintain their subordinate status but also utilised against selected members of privileged social identity groups to maintain the privilege of the group as a whole. As a case study, I examine how the harm to male victims of sexual violence is aggravated by two failures of recognition: (1) the failure of the law to recognise the rape of men as a crime, and (2) the failure of other people to recognise the testimony of male rape victims as credible. These failures of recognition undermine the victim's status as a subject in the world and generate forms of epistemic injustice. But rather than these recognition failures enacting the epistemic marginalisation of a subordinated group, the non-recognition, and subsequent epistemic injustice are used to maintain the dominant status of a privileged group – namely, heterosexual cismen.

I

Failures of Recognition and Their Epistemic Impact

In contrast to a liberal conception of the self as an isolated, atomistic individual, recognition theorists posit that subjectivity develops from and is sustained through intersubjective relations with others. Recognition is “a vital human need”,⁵ which is necessary for both subject-formation and human flourishing. In *The Struggle for Recognition* (1995), Axel Honneth identifies three pillars of recognition, which together form the necessary conditions for a positive relation-to-self. First, relationships of love and friendship are the foundation of a person's basic self-confidence. Through emotional support, the subject's need for emotional support and affectionate care is affirmed. Second, legal relations are the foundation of a person's self-respect. Through the recognition of one's moral and legal standing, a person's human rights are affirmed. Third, a person's role in the community is the foundation of their self-esteem. By having one's traits, abilities, and accomplishments socially recognised, a person's individuality is affirmed.

Failures of recognition, on the other hand, can disrupt, distort, and destroy subject-formation. Honneth states that a recognition failure is

unjust “not simply because it harms subjects or restricts their freedom to act, but because it injures them with regard to the positive understanding of themselves that they have acquired intersubjectively”,⁶ and that the injuries sustained from disrespect threaten the “identity of a person as a whole to the point of collapse”.⁷ Since emotional support, legal rights, and social valuation are the respective foundations of a person’s self-confidence, self-respect, and self-esteem, according to Honneth, experiences of degradation, denial of rights, and denigration produce self-doubt, (non-comical) self-deprecation, and self-effacement.

Of the many ways that recognition practices can fail, Honneth identifies attacks on a person’s physical integrity, such as rape, as “the most fundamental sort of personal degradation”⁸ a person can experience. Beyond the physical suffering, the victim’s experience of helplessness, powerlessness, and loss of control significantly compromises their relation-to-self. Honneth points out that “the suffering of torture or rape is always accompanied by a dramatic breakdown in one’s trust in the reliability of the social world and hence by a collapse in one’s own basic self-confidence”.⁹ Rape victims are not simply denied a choice about this particular instance of sexual relationality; their existence in the world as subjects is at stake. Ann Cahill captures this in describing how the act of rape challenges the victim’s status as a subject in the world:

Rape, in its total denial of the victim’s agency, will and personhood, can be understood as a denial of intersubjectivity itself. Here in radical way, only one person (the assailant) is acting, and one person (the victim) is wholly acted on. This imbalance, in its total nature, renders the victim incapable of being truly engaged intersubjectively. The self is at once denied and, by the totality of this denial, stilled, silenced, overcome.¹⁰

As a result, she argues, rape threatens both the victim’s bodily integrity and the integrity of the self.¹¹

Although Honneth does not explore the issue, how others respond to a person’s disclosure of sexual victimisation can add considerable insult to the injury of rape. First, a victim’s self-respect may be undermined if the harm is not recognised as a moral or legal violation. When the state fails to provide adequate redress for a victim’s injuries by, for example, not establishing laws criminalising rape or by not enforcing those laws, the recognition of the victim’s moral and legal rights are nominal only. The person’s moral and legal standing is not fully recognised. Second, a victim’s self-esteem can be compromised if their testimony about their experience is discredited. A person’s epistemic standing as a subject who is able to reliably contribute their own experiences to collective knowledge is threatened when their testimony is treated with disbelief or denial. The helplessness experienced from the physical violation can be worsened by

a second layer of helplessness produced by unsympathetic others, be they family and friends or law enforcement and social services.

This points to the epistemic dimension of intersubjectivity. Just as subjectivity develops from and is sustained through intersubjective relations with others, knowledge develops from and is sustained through the sociality of knowing. Epistemic resources are, by their nature, collective. Subjects both make sense of their own experience by utilising collective epistemic resources and shape the collective epistemic resources by contributing their own knowledge to them. However, when subjects systematically face a credibility deficit when providing testimony about their social experience, or are systematically prevented from developing the required epistemic resources to understand their social experience, or are systematically hindered in their ability to contribute to shared epistemic resources, they suffer epistemic injustice and epistemic oppression. As a result of failures to recognise a person's epistemic standing that person's status as a subject is threatened and their self-confidence, self-respect, and self-esteem are diminished.

In the next section, I explore how the legal definition of rape interferes with the social recognition of male victims of rape as such and how efforts to revise this definition and improve the recognition of male victims reveals the hermeneutical injustice that has afflicted many male victims. This case study begins building the evidence that epistemic injustice is not only a phenomenon affecting members of subordinated groups but can also be utilised against members of socially dominant groups.

II

Failures in the Legal Recognition of Male Victimisation

Because the term 'rape' has undergone several significant conceptual shifts over the last five decades, the way that sexual violence is understood both legally and socially has been altered. In some cases, feminist theorists and anti-rape activists succeeded in influencing policymakers to expand the class of behaviours officially recognised as rape. Examining the impact of those changes reveals the harms generated by nonrecognition. When one's experience of rape is not counted formally by legal statutes and/or by social science, it is unlikely to be counted informally by the wider social world. But even when policy changes are adopted, the popular working definitions of rape may not align with changes in policy. As a result, rape victims may continue to be unrecognised as such by others or even by themselves.¹²

The hermeneutical challenge to the proper recognition of victims of sexual violence can be glimpsed through a review of changes in how rape is recognised in the United States. While different jurisdictions define the crime of rape in differing ways, the definition provided in the

Federal Bureau of Investigation's (FBI) Uniform Crime Report (UCR) serves as one of the most widely referenced sources of rape statistics. When the Uniform Crime Reporting programme began in 1929, rape was defined as 'the carnal knowledge of a female forcibly and against her will'. This definition requires four elements for the recognition of rape: (1) rape involves heterosexual intercourse; (2) rape victims are female; (3) rape is achieved by force; (4) rape is accomplished against the will of the victim.

The latter two elements garnered considerable attention from feminist theorists and anti-rape activists. On the one hand, the combination of these elements allows for the possibility that a victim could be unwilling, but without demonstrated force, there is no rape. In other words, a victim's lack of consent is not enough; force must be used. On the other hand, the combination of elements allows for the possibility that force could be present, but a rape not occur due to a lack of evidence that the intercourse happened against the victim's will. In other words, if the victim did not unambiguously demonstrate non-consent, the forced use could be regarded as welcomed. The first two elements of the FBI definition were also critiqued by feminist theorists and anti-rape activists on the grounds that the first two elements exclude the possibility of rape between members of the same sex, sex acts that are not vaginal penetration by a penis, and, most importantly for the purposes of this chapter, the recognition of male victims.

After considerable pressure, the definition of rape used by the FBI in the UCR was revised in 2013 to 'penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim'. This revision greatly expanded the class of behaviours officially recognised as rape. First, changing the element of 'forcibly and against her will' to 'without the consent of the victim' expands the scope of what is recognised as rape: removing the force criterion allows the recognition of non-forcible coercion as well as clarifying that consent is the line delineating criminal and non-criminal sexual behaviour. Second, changing the element of 'carnal knowledge' to 'penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person' allows for the recognition of many behaviours that previously did not count as rape: oral rape, anal rape, and penetration by objects and body parts other than a penis. Further, the use of the gender-neutral term 'person' and the absence of a specific gendered pronoun allows for the recognition of the rape of male victims.

This definitional change resulted in a significant increase in the reported incidence rates of rape. The UCR shows the incident rates rose approximately ten points higher when using the post-2013 definition of rape compared to the pre-2013 definition:¹³ in 2013, the rate was 25.9 using the prior definition, while the rate was 35.9 under the revised definition;

in 2014, the rate increased from 26.6 to 37.0; in 2015, it increased from 28.4 to 39.3; in 2016, it increased from 30.0 to 40.9; in 2017, it increased from 30.7 to 41.7; in 2018, it increased from 31.0 to 44.0; in 2019, it increased from 29.9 to 42.6. These incident rates are higher after 2013, not because there were more cases of rape, but because those cases that would have gone previously unrecognised are now recognised as such.

While this definitional shift improves the legal recognition of incidents of rape, it is important to note that the FBI's UCR only reflects those cases that were voluntarily reported to law enforcement and were founded – that is, those cases for which a law enforcement officer determined that there was enough evidence to investigate. Moreover, the definition used by the FBI is not consistently adopted throughout the United States. Definitions of rape vary across states, and many jurisdictions use related terms such as 'sexual assault', 'criminal sexual conduct', 'sexual battery' in their statutes instead of the term 'rape'. As a result of these limitations, anti-rape activists argue that an accurate understanding of the prevalence of sexual violence cannot be garnered from law enforcement reports. There are various reasons why victims do not report their encounters with sexual violence to law enforcement. Most prominent among these reasons are shame, the fear of retaliation, and/or fear that one will not be believed. Outside of law enforcement, victims use social media platforms, such as Twitter and Tumblr (e.g. #MeToo and *Project Unbreakable*), to gain some form of social recognition, particularly in cases in which victims choose not to report to law enforcement or whose cases are uninvestigated or not prosecuted by law enforcement.

To statistically capture unreported cases as well as those that are reported to law enforcement, the National Crime Victims Survey (NCVS) was established by the Bureau of Justice Statistics. It is a national household survey, which asks respondents to disclose incidents of victimisation including rape and sexual assault. This survey defines rape as "forced sexual intercourse including both psychological coercion as well as physical force" and defines "forced sexual intercourse" as "penetration by the offender(s)". Like the revised FBI definition, this survey allows for the recognition of male as well as female victims and gender-neutral/non-binary victims. In addition, the survey combines data for rape and sexual assault, where sexual assault is defined as attacks involving "unwanted sexual contact between victim and offender, with or without force; grabbing or fondling; and verbal threats", which also like the revised FBI definition allows for the recognition of forcible as well as non-forcible coercion. Unsurprisingly, the incidence reported by the NCVS are considerably higher than that of the UCR. In 2018, for example, the NCVS rate of rape/sexual assault per 1,000 persons aged 12 and older was 2.7,¹⁴ whereas the UCR rate of rape was 0.444 per 1,000 persons.¹⁵

Despite the benefits of the NCVS over the UCR, in 2014, the National Research Council published a study of the NCVS that found many areas

of concern within the survey that contribute to the underestimation of rape and sexual assault. For example, the panel found three types of measurement errors. First, by using terms such as ‘rape’ and ‘sexual assault’, rather than behaviourally specific words, respondents may not answer the questions affirmatively because they utilise a different definition of the terms.¹⁶ Second, by situating the questions about rape and sexual assault within a survey of criminal victimisation, respondents may not answer the questions affirmatively because they did not or do not want to report their experiences to law enforcement.¹⁷ Third, the lack of privacy when completing the survey may inhibit respondents from reporting their experiences of rape and sexual assault.¹⁸

Several other surveys have been used to measure the prevalence of sexual violence, including the National Women’s Study, the National Violence Against Women Survey, the National College Women Sexual Victimization Study, and the National Intimate Partner and Sexual Violence Survey (NISVS). The latter is an ongoing, nationally representative telephone survey of adult men and women in the United States first launched in 2010 by the Centers for Disease Control and Prevention’s National Center for Injury Prevention and Control. Unlike the NCVS, this survey utilises behaviourally specific questions to determine the incidence of sexual violence. Questions asked in relation to rape do not use the words ‘rape’, ‘sexual assault’, or ‘sexual violence’. Instead, they ask whether the survey participant has ever experienced sexual contact that was unwanted; that occurred when he or she was drunk, high, drugged, or passed out; or that utilised physical force or threats of physical harm or pressure. Moreover, the sexual contact described includes vaginal, anal, and oral penetration, being penetrated with a penis, fingers, or object, and being made to penetrate another person.

Predictably, the incidence rate reported by the NISVS is considerably higher than that of both the NCVS and the UCR. Aggregating data from 2010 to 2012, the NISVS reports that 19.1% of women and 1.5% of men have experienced completed or attempted rape at some point in their lives, where rape is defined as

any completed or attempted unwanted vaginal (for women), oral, or anal penetration through the use of physical force (such as being pinned or held down, or by the use of violence) or threats to physically harm and includes times when the victim was drunk, high, drugged, or passed out and unable to consent.¹⁹

In addition, the NISVS reports that 36.3% of women and 17.1% of men experience some form of contact sexual violence during their lifetime, where ‘contact sexual violence’ is defined as “a combined measure that includes rape, being made to penetrate someone else, sexual coercion, and/or unwanted sexual contact”.²⁰ By using behaviourally specific

questions, the NISVS is more likely to capture in its data those victims that are reluctant to apply the legal term ‘rape’ to their experience.

Given the variety of definitions of rape and related terms such as ‘sexual assault’, ‘criminal sexual conduct’, ‘sexual battery’ used for measuring the prevalence of sexual violence across the United States, it is understandable that victims face difficulty when trying to understand their own experiences of harmful sex. While this epistemic harm is grounded in a hermeneutical failure, the harm is not entirely due to a gap in the collective interpretive resources, but rather to an ambiguity or conflict among the collective interpretive resources resulting from an ongoing controversy over the meaning of the concepts.²¹ Whereas there was once a hermeneutical gap, feminist scholars and anti-rape activists have worked for decades to name those experiences and raise awareness about their prevalence. This effort has entailed widening of the class of behaviours that count as morally and legally objectionable by attending to the harms suffered by women, who are, after all, the ones who are most frequently targeted by sexual violence. In line with this effort, social media campaigns, such as #MeToo and *Project Unbreakable*, which call for victims to self-identify, validate the authority of victims to label their experiences as such outside of the juridical frame. These efforts provide both victims and the general public with the concepts necessary to recognise the social pathology of sexual violence.²² As seen in the next section, these efforts have also provided the conceptual resources for the recognition of male victimisation. Unfortunately, when those conceptual tools are utilised by male victims to understand and report their victimisation, their disclosures are often met with incredulity.

III

Failures in the Social Recognition of Male Victimisation

In 2011, Grace Brown, a freshman at the School of Visual Arts in New York City, started collecting photographs of survivors of sexual assault, domestic violence, and child abuse holding signs with quotes either from their assailants or from those to whom they disclosed their assault. Titled *Project Unbreakable*, the collection is published on <https://projectunbreakable.tumblr.com>. Overwhelmingly, the photographs are of women, but some are of men,²³ and during the height of the #MeToo movement, several of these photographs of male survivors were featured in news stories calling attention to the fact that men, as well as women, are victimised by sexual violence.²⁴ These photographs show that, as with the case of sexual violence against women, sexual violence against men is largely unrecognised, and victims who report their experiences are often not believed.

Consider, first, the photographs presented in Figures 11.1 and 11.2.^{25,26}

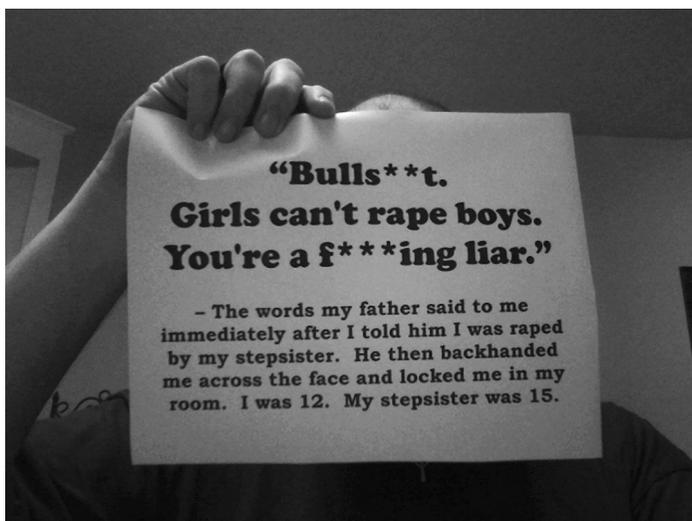


Figure 11.1 Image of a light-skinned hand holding a piece of white paper in front of the person's face with black text printed on it.

Photograph submitted to projectunbreakablesubmissions@gmail.com. Author unknown. Reproduced with permission from Grace Brown



Figure 11.2 Image of a young light-skinned man holding next to him a cardboard sign with hand-written black marker writing on it.

Photograph submitted to projectunbreakablesubmissions@gmail.com. Author unknown. Reproduced with permission from Grace Brown

These photographs reflect how the credibility of men's testimony is challenged and how that challenge contributes to their inability to be recognised as rape survivors. In the first photograph, the subject quotes his father's response after disclosing his assault. He is called a "liar" on the basis that "girls can't rape boys". This challenge to his testimony results in a failure of his father to recognise him as a rape victim. In the second photograph, the subject quotes an anonymous person, possibly his attacker. He is warned that "no one will believe [him]" on the basis that "men don't get raped". This response is intended to discourage him from seeking recognition as a rape victim.

Given the law's frequent failure to recognise male rape, particularly when such rape is perpetrated by female attackers, it is surprising that male victims can understand their own experience as rape at all. Indeed, it is likely that many male victims do not interpret their experiences of sexual violence as rape. However, some victims, like the ones featured in the images from *Project Unbreakable*, are able to draw upon the hermeneutical resources developed by feminist theorists and anti-rape activists who have worked for decades to widen the scope of those behaviours socially (and ultimately legally) recognised as rape. But, even when victims draw upon these emerging epistemic resources, their inability to gain uptake by empathetic listeners denies them the authority to understand and name their own social experience and to contribute their self-knowledge to collective understanding.²⁷

To understand how the credibility challenge experienced by male victims qualifies as epistemic injustice, we must examine the reasons undergirding the incredulity. In Figure 11.1, the subject is called a "liar" on the basis of an ontological claim about the concept of rape – namely, that "girls can't rape boys". This acceptance of a narrow paradigm of 'real rape', one which views male sexual victimisation as a physical and/or conceptual impossibility is also seen in Figures 11.3 and 11.4.^{28,29}

In Figure 11.3, the victim reports that when he told someone about his experience, the listener countered the veracity of his report by stating plainly, "Men can't get raped". This view reflects the definition of rape consistent with that used by the FBI in the UCR from 1929 to 2013 – namely, "the carnal knowledge of a female forcibly and against her will". As discussed earlier, this definition limits rape to those cases in which the victim is female. Therefore, the rape of a man is categorically impossible.

Similarly, Figure 11.4 communicates that male sexual victimisation by a female is impossible. When the victim disclosed his experience of rape, listeners responded by questioning the possibility of his experience, asking, "How can a girl rape a boy?" While the listeners' question might be a serious inquiry, it is presented as a rhetorical question and thus functions the same as the response given in Figure 11.1, "girls can't rape boys". In their responses, the listeners seemingly accept the possibility that men can be raped by men but reject the possibility that men can be

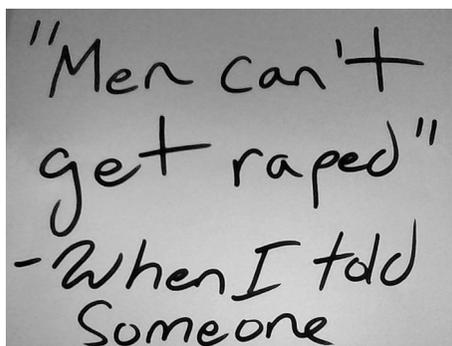


Figure 11.3 Image of a light-skinned hand holding a white piece of paper in front of the person's face with hand-written black marker writing on it.

Photograph submitted to projectunbreakablesubmissions@gmail.com. Author unknown. Reproduced with permission from Grace Brown



Figure 11.4 Image of a young light-skinned man holding a white poster in front of his chest with hand-written black marker writing on it. Photographed in Chicago, IL, by Grace Brown.

Reproduced with permission from Grace Brown

raped by women. This view reflects the definition of rape used by the FBI in the UCR not only up to 2013 but also possibly afterward as well – namely, “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim”. This revised definition allows for the recognition of male victims, but still requires penetration, a behaviour in which men are expected to engage but women are not.

A slightly different line of reasoning is employed in Figure 11.2. In this case, the subject is warned that “[n]o one will believe you” on the basis that “[m]en don’t get raped”. This normative claim about male behaviour is also seen in Figures 11.5 and 11.6.^{30 31}

In Figure 11.5, the victim reports that the first person to whom he disclosed his experience countered the veracity of his report by stating, “Men don’t get raped”. This response differs slightly from that of Figure 11.3.



Figure 11.5 Image of a white piece of paper with hand-written purple marker writing on it.

Photograph submitted to projectunbreakablesubmissions@gmail.com. Author unknown. Reproduced with permission from Grace Brown

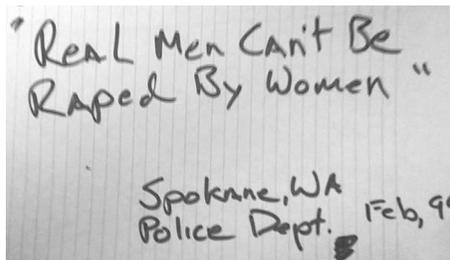


Figure 11.6 Image of a lined sheet of paper with hand-written red marker writing on it.

Photograph submitted to projectunbreakablesubmissions@gmail.com. Author unknown. Reproduced with permission from Grace Brown

The difference between “[m]en can’t get raped” – an ontological claim – and “[m]en don’t get raped” – a normative claim – is subtle but instructive. The latter, normative claim communicates gendered behavioural expectations. On this view, manhood is incompatible with male sexual victimisation.³² This response threatens to erode the victim’s self-confidence and alienate him from his own self-relation by demanding that he either abandon his sense of himself as a man or else refuse to acknowledge the sexual violence committed against him.

Figure 11.6 makes the connection between masculinity and sexual invulnerability even clearer. The victim reports that a law enforcement officer rejected his testimony by stating, “Real men can’t be raped by women”. While this response echoes Figure 11.1 and Figure 11.4 in that it implicitly accepts the possibility that a man can be raped by another man and rejects the possibility that a man can be raped by a woman, the use of the expression “real men” highlights the performative aspect of that invulnerability. To be raped, especially by a woman, is emasculating, whether that assault involves being penetrated or being made to penetrate. Like the response presented in Figure 11.5, it demands that the speaker choose between his identity as a man and the recognition of the violence done to him.

The messages reflected in these six photographs from *Project Unbreakable* signal that, like female victims of sexual violence, male victims are harmed not only by the physical violation they experience but also by the ways that others respond to their reports of violation. Not only are the victims’ self-confidence jeopardised by the assault itself but also their self-respect is jeopardised by the law’s refusal to recognise the assault as an instance of rape, and their self-esteem is jeopardised by the refusal of those to whom they disclose their experience to accept the veracity of their testimony.

IV

Failing to Recognise Male Sexual Victimization as Epistemic Injustice

Fricker (2007) distinguishes between cases of *epistemic bad luck* and those meriting the label *epistemic injustice*. In the case of testimony, she argues that not all flawed credibility judgements entail an injustice, even when they cause harm. For example, when a hearer utilises a false, but nevertheless reliable, stereotype, there is no injustice, even though there may be harm. She writes,

[T]he hearer has not put a foot wrong – she has made a credibility judgement that is in line with the evidence, yet as bad luck would have it, the case proves an exception to the rule. ... [N]o epistemic culpability, no ethical culpability.³³

Similarly, in the case of a gap in hermeneutical resources where a concept representing some social experience ought to be present and operative, there is a cognitive disadvantage for everyone, but not everyone suffers an injustice. As she writes, “[F]or something to be an injustice, it must be harmful but also wrongful, whether because discriminatory or because otherwise unfair”.³⁴

The messages conveyed in all six of the photographs discussed in the previous section threaten the victims’ understanding of their own social experience, challenge the victims’ credibility as speakers, and interfere with the ability of the speakers to contribute their knowledge to collective understanding. However, hermeneutical lacuna grounding these messages is not a result of the epistemic marginalisation of the group to which the victims belong. These epistemic harms are harms to *men* – a group that is *not* one whose credibility is subject to a hostile identity prejudice but instead is a group whose social experiences are widely accepted as the norm against which others are judged. There are no stereotypes that challenge men’s credibility *qua* men as there are for women *qua* women. As a result, one might conclude that these harms are an unfortunate result of epistemic bad luck rather than epistemic injustice.

However, the epistemic harms to male victims are not simply a matter of bad luck. These harms systematically target a portion of the male population – those who are victimised by sexual violence – in order to preserve the social dominance of men as a group. The fiction of male sexual invulnerability is, as I have argued, sustained by legal categories that conceptually resist the recognition of male sexual victimisation. In addition, this fiction is supported by a web of widely accepted beliefs which prevent the social recognition of male victimisation even in the face of testimonial evidence to the contrary.

Gaile Pohlhaus Jr.’s concept of *willful hermeneutical ignorance* is useful for describing the phenomenon at work here. In “Relational Knowing and Epistemic Injustice: Toward a Theory of Willful Hermeneutical Ignorance”, she characterises willful hermeneutical ignorance as occurring “when dominantly situated knowers refuse to acknowledge epistemic tools developed from the experienced world of those situated marginally. Such refusals allow dominantly situated knowers to misunderstand, misinterpret, and/or ignore whole parts of the world”.³⁵ In the photographs from *Project Unbreakable*, the dominantly situated knowers are those to whom the victims disclose their experience of sexual violence, and the marginally situated knowers are the male victims. While normally these men would qualify as members of the dominant epistemic group, in these particular instances, their need for recognition as victims of rape situates them as vulnerable to those positioned as providing or denying that recognition. This understanding of the listener’s response emphasises the listener’s authority to accept or refuse the speaker’s disclosure of his experience. To accept the veracity of the speaker’s claim

honours the relationship between the speaker and the listener. After all, victims are unlikely to disclose their experiences to someone they do not already trust, particularly given the widespread negative social attitudes about them.

But, instead of recognising these men's testimony as credible, instead of even minimally acknowledging the possibility of male sexual victimisation, the hearers choose to misunderstand, misinterpret, and/or ignore whole parts of the world by clinging to rape myths, such as "male rape does not happen", "men cannot be forced to have sex against their will", "male rape only happens in prisons", "a woman cannot sexually assault a man", "if a victim physically responds to an assault, he must have wanted it", and "a man is expected to be able to defend himself against sexual assault". Unfortunately, the acceptance of these rape myths is prevalent among the general public, including precisely those whom a victim seeking help would turn to – general counsellors, medical personnel, law enforcement, and rape crisis counsellors.³⁶ And yet, there are ample epistemic resources available to provide a counternarrative to the views expressed in the photographs. The work of feminist scholars and anti-rape activists to expand the class of behaviours recognised as rape has reached public consciousness over many decades, not just in the recent uses of social media such as #MeToo and other allied movements. At the very least, there is a proliferation of dramatic, indifferent, and comedic references to the rape of men in television, movies, and literature, especially the rape of men in prison contexts.³⁷ But more importantly, there is the testimony of the victims themselves.

In this chapter, I have shown how the failures of recognition concerning male sexual victimisation demonstrates how epistemic injustice is utilised against members of privileged social identity groups to maintain their dominant status. The failure of law to provide legal categories that recognise male victims of rape and the failure of listeners to accept the testimony of male rape victims as credible threatens their status as legal, moral, and epistemic subjects, and generates epistemic injustice. Without legal and social recognition, many male victims will be unable to understand their own experiences of rape *as* rape, and even when they do understand themselves as rape survivors, their ability to contribute that understanding to social knowledge is thwarted. As a result, the hermeneutical injustice, testimonial injustice, and contributory injustice suffered by male rape victims serve to preserve the dominant status of a privileged group, namely heterosexual cismen.³⁸

Notes

1 Viz. Muehlenhard et al. 1992: 24.

2 Fricker 2007: 1.

3 Ibid.

4 Dotson 2012: 32.

- 5 Taylor 1992: 26.
- 6 Honneth 1995: 131.
- 7 *Ibid.*: 132.
- 8 *Ibid.*
- 9 *Ibid.*: 133.
- 10 Cahill 2001: 132.
- 11 *Viz.* Cahill 2001: 131.
- 12 *Viz.* Jackson (2019).
- 13 See Table 1, 'Crime in the United States, by Volume and Rate per 100,000 Inhabitants, 1999–2019' from United States Department of Justice, Federal Bureau of Investigation (2019).
- 14 Morgan and Ouderkerk (2019): 1.
- 15 See Table 16, 'Rate: Number of Crimes per 100,000 Inhabitants' from United States Department of Justice, Federal Bureau of Investigation (2018).
- 16 National Research Council 2014: 142.
- 17 *Ibid.*: 143.
- 18 *Ibid.*: 147.
- 19 Smith et al. 2017: 2, 18.
- 20 *Ibid.*
- 21 See Reitan (2001) for a discussion of this issue.
- 22 *Viz.* Jackson (2018).
- 23 Out of 124 images I examined during the fall of 2017, 13 of these (~10%) were images of male victims that implicitly or explicitly reference a female perpetrator.
- 24 See, for example, Warren (2013).
- 25 Image of a light-skinned hand holding a piece of white paper in front of the person's face with black text printed on it. The text states, "Bulls**t. Girls can't rape boys. You're a f***ing liar", and "The words my father said to me immediately after I told him I was raped by my stepsister. He then backhanded me across the face and locked me in my room. I was 12. My stepsister was 18".
- 26 Image of a young light-skinned man holding next to him a cardboard sign with hand-written black marker writing on it. The writing states, "No one will believe you!" and "Men don't get raped!"
- 27 Kristie Dotson (2011) uses the expression 'testimonial smothering' to refer to practices in which a speaker engages in self-silencing due to the perception of a hearer's inability or unwillingness to provide uptake to one's testimony. This term is apt for characterising the unwillingness of male victims to disclose their experiences of sexual violence. They are well aware that their reports will be faced with disbelief, as the man in Figure 11.2 was reminded.
- 28 Image of a light-skinned hand holding a white piece of paper in front of the person's face with hand-written black marker writing on it. The writing reads, "Men can't get raped", and "When I told someone."
- 29 Image of a young light-skinned man holding a white poster in front of his chest with hand-written black marker writing on it. The writing states, "How can a girl rape a boy?", and "Nearly everyone I tried to tell for the first few years after it happened."
- 30 Image of a white piece of paper with hand-written purple marker writing on it. The writing states, "Men don't get raped", and "The first person I told."
- 31 Image of a lined sheet of paper with hand-written red marker writing on it. The writing states, "Real men can't be raped by women", and "Spokane, WA Police Dept. Feb, 99."
- 32 Interestingly, the hashtags #MenToo and #Him Too have been infrequently used to draw attention to the fact that men are subject to sexual violence and

are more often used to identify men as victims of false accusations. Unfortunately, I do not have the space to explore this phenomenon in this chapter.

33 Fricker 2007: 43–44.

34 Ibid.: 151.

35 Pohlhaus Jr. 2012: 715.

36 See Davies (2002) and Turchik and Edwards (2012).

37 See, for example, Levan et al. (2011).

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