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Children and Marginalization: Reflections on Arlene Lo's "Hermeneutical Injustice and Child Victims of Abuse"

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1. Introduction

I find myself in almost complete agreement with Arlene Lo (2022). Child abuse victims surely suffer hermeneutical injustice if they are denied the concepts necessary to understand their experience, and that injustice is immensely harmful.

In this reply I will do two things, after some initial set-up in §2. First, in §3 I offer an amendment to Lo's use of Sally Haslanger's distinction between manifest and operative concepts. Second, in §4 I raise some wider questions about the hermeneutical marginalization of children. The work that has so far been done on epistemic injustice against children has focused mostly on testimonial injustice.¹ It is time to give more attention to hermeneutical injustice, so I appreciate the opportunity to venture some initial thoughts on the topic.

2. Hermeneutical Gaps and Marginalization

In Miranda Fricker's definition, to suffer hermeneutical injustice is to have "some significant area of one's social experience obscured from collective understanding owing to hermeneutical marginalization" (2007, 158). Victims of hermeneutical injustice are hindered from understanding, or communicating about, certain events in their lives. This is because there is no concept that captures those events: there is a 'gap' or 'lacuna' in the society's hermeneutical resources. The gap exists because the victims have been marginalized in some aspect of their social existence. Due to the marginalization, their experiences related to that aspect have not been taken up into the collective hermeneutical resource, and so those experiences have gone unconceptualized. They can thus be thought about or discussed only inchoately at best.

Fricker's (2007) lead example is the concept of sexual harassment. Prior to the 1970s, this concept did not exist. Therefore, women's suffering of sexual harassment was compounded by a hermeneutical injustice: they could not understand or communicate a key aspect of their social reality. Then, as described in Susan Brownmiller's memoir (from which Fricker quotes extensively), the missing concept was invented by a group of women at Cornell University. They created a concept that was a descriptive and normative depiction of a pattern of male behavior that they were all familiar with. Women who were targets of such behavior could now conceptualize what they were experiencing, and could (try to) communicate their experience to others who had not experienced the behavior—especially to those who might be able to do something about it (such as human resource officers or law enforcement).

The notion of hermeneutical injustice has been developed in a number of ways. One development concerns the scope of the hermeneutical gap. Fricker (2007) wrote as if the gap was simply universal: i.e., that *no one* possessed the concept in question. For example, she

¹ See, for example, Murrin (2013), Burroughs and Tollefsen (2016), Baumtrog and Peach (2019), Bartlett (2020), and Bartlett (2022). Two papers that give significant attention to hermeneutical injustice concerning children are Carel and Györfy (2014) and Baumtrog (2018); see also Kotzee (2017).

said that the lack of understanding of sexual harassment “was a collective disadvantage more or less shared by all” (151). However, the hermeneutical injustice associated with sexual harassment of course did not vanish as soon as the concept of sexual harassment invented. It took years for the concept to spread and find acceptance. In that interregnum, while some victims may have possessed the new concept, many still did not. And even those who had acquired the concept faced an uphill battle to convey it to others. Fricker later clearly acknowledged this:

[H]ermeneutical injustice is internally diverse in relation to how widespread the failure of understanding is. At the extreme, there can be cases where even the subject herself is radically unable to make sense of her own experience; or, by contrast, there can be cases at the other extreme in which the subject herself is entirely clear what is happening to her, and can perhaps expect to communicate her experience with ease to other members of her community or social group, but (owing to the collective hermeneutical gap pertaining to the wider community as a whole) still cannot expect to communicate it successfully to significant social agencies—notably, relevant institutional bodies—in order to describe or protest the experience (2013a, 1319).

So hermeneutical injustice obviously can still occur when the crucial concept is known to some but not to all—and in particular, when it is not known to those who are in relevant positions of power. In Katharine Jenkins’ (2017) typology, which Lo follows, this is the second kind of hermeneutical injustice: one in which the subject of the injustice has a conceptual advantage over the people to whom they wish to communicate their experience.

As Lo notes, José Medina (2012) argues that this is how white ignorance works. Oppressed people of color in a society will develop a network of concepts describing their own exclusion or marginalization. (Examples might be the concepts of microaggressions and structural racism.) Yet those concepts are often not possessed by (most of) the privileged white majority. So in this situation, even though an oppressed group can understand their own experiences and communicate them to each other, they still suffer hermeneutical injustice because they are unable to communicate those experiences to (most) members of the privileged group.²

In this scenario, the marginalized group possesses concepts that the privileged group does not. So the marginalized group understands their own situation, but the ignorance of the privileged group continues to inflict a hermeneutical injustice. This is the second kind of hermeneutical injustice in Jenkins’ (2017) typology.

² Medina (2012) further claims that the privileged group also suffers hermeneutical injustice—indeed, more so than the oppressed group: “Not only are the privileged subjects not exempted from the hermeneutical harms, but they are in fact *more negatively affected* in some areas of their experience” (212, orig. emphasis). He argues that white Americans, even while benefiting materially from their ignorance of racial meanings, have nonetheless been more “epistemically harmed and hermeneutically disadvantaged” (211) than Black Americans. Perhaps so; but I find it implausible, as does Fricker (2013b), that they have suffered hermeneutical *injustice* due to their own ignorance.

We can now ask whether there is a scenario that inverts this picture: one in which hermeneutical injustice results from the marginalized group's lacking some concepts that describe their own experience, even while the privileged group possesses those concepts.

This kind of scenario is less intuitive. It is easy to see how a marginalized group might develop concepts to describe their own experiences, and how the marginalization itself might prevent the concepts from migrating into the wider, privileged society. It is not so easy to see how a privileged group might come to possess concepts describing the experiences of a marginalized group, *even while the concepts remain foreign to the marginalized group itself*. There would need to be an explanation for why the marginalized group is missing conceptual resources that directly pertain *to their own experience*. Such an explanation would be even more difficult to imagine if the privileged group is also a majority group. If the majority group possesses the concepts, then why would the minority not do so?

At this point, the case of children becomes highly salient. Children are clearly a marginalized minority. There is much they do not understand about their lives, which adults (the privileged majority in this case) do understand. And the explanation for this hermeneutical disparity is obvious: children are necessarily still in the process of undergoing experiences and acquiring concepts, while adults will typically have long since completed that process.³

The conditions under which, and the extent to which, this hermeneutical disparity constitutes a hermeneutical *injustice* is up for debate. I will come back to this question in §4.

3. Manifest Concepts and Operative Concepts: An Amendment

I struggle to imagine cases other than that of children in which a privileged majority exclusively possesses concepts describing the experiences of a marginalized minority. However, if we relax our criteria so that the privileged group need not be a majority, we capture the cases that Lo and Jenkins (2017) are discussing. For these are cases in which specialized knowledge describing the experiences of a certain class of individuals—victims of child abuse, or rape, or domestic abuse—is possessed predominantly (if not solely) by a relatively small group of professionals or experts. So this is the third kind of hermeneutical injustice in Jenkins' typology, in which “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” (2017, 200).

I want to offer an amendment to the way Jenkins and Lo describe this type of hermeneutical injustice. They say that in these cases, the victim “lacks one or more of the relevant concepts”, whereas their professional interlocutor “has all of them” (Jenkins, 201; and see Lo, 2). I do not think it is right to say that the interlocutor (e.g., a social worker or a lawyer) has *all* of the relevant concepts. For this implies that they possess all of the concepts necessary to understand the event(s) in question, and thus that the victim's first-hand

³ I am using the word ‘completed’ here in a loose sense.

experience does not give them *any* relevant concepts. I suggest that we should not accept this conclusion.

I do not mean that the victim's perspective is superior to the professional's; but it is certainly very different. And that different experience, I think, gives rise to concepts that the professional simply lacks.⁴ At the very least, surely the victim has a grasp of certain relevant concepts—such as the fear, shame, or betrayal involved in such events—that the professional cannot have.

This point has significance for the framing of the cases of hermeneutical injustice that Jenkins and Lo are discussing. Jenkins frames the cases of rape and domestic abuse in terms of Sally Haslanger's (1995, 2005) distinction between *manifest* and *operative* concepts, and Lo follows suit for the case of child abuse:

[Haslanger] 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 (Jenkins 2017, 195).

[O]ccasionally the formal, institutional definition of a concept does not match the way it is systematically applied. According to Haslanger, a manifest concept is the institutional, public, or formal definition, whereas an operative concept is the implicit and practised definition extrapolated from the actual social usage in particular communities (Lo, 5).

Jenkins and Lo both acknowledge that in general it is a contingent matter whether, in a given case, the manifest or the operative concept is to be preferred. But they both say that, in the cases they are discussing, the operative concept is very often faulty:

[W]e can see the legal and state policy definitions of rape or of domestic abuse as the manifest concept in each jurisdiction. ... 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. ... [I]t seems that many of the current operative concepts do incorporate distorting factors stemming from myths (Jenkins 2017, 196).

In the UK, the Children and Young Persons Act (1933) characterises the manifest concept of child abuse. ... Yet our societies harbour many myths of child abuse that are nonetheless often accepted as 'common sense'. ... So if victims or their interlocutors possess these faulty operative concepts, they may fail to recognise instances of child abuse on the correct terms (Lo, 5-6).

⁴ That is, unless the professional has been a victim themselves.

Finally, Jenkins and Lo both conclude that, wherever possible, institutional attempts should be made to revise the operative concepts so that they will match the manifest concepts:

Awareness campaigns ... 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 (Jenkins 2017, 203).

Given how hermeneutical injustice can operate *via* faulty operative concepts, institutional bodies ... have the responsibility to *distribute* adequate concepts throughout society and to *challenge* flawed common-sense myths (Lo, 12).

This seems intuitively right. People at large need to know, for example, that there is such a thing as marital rape, or that abuse can take a psychological form. However, I would offer a moderating observation. We should not necessarily let a manifest concept *entirely* replace an operative one. For the manifest concept may be better in some ways but not in all ways.

Jenkins and Lo describe manifest concepts too narrowly. Both imply that a manifest concept just is an official, formal, or institutional definition. Haslanger, however, described it merely as more “explicit, public, and ‘intuitive’” than the “more implicit, hidden, and yet practiced” (2005, 14) operative concept. A manifest concept, then, is not necessarily an official definition.⁵ And even if such a definition exists, it will not necessarily be the best concept to adopt in the service of epistemic justice. By their nature, definitions promulgated by professional or legislative institutions tend to be written with an intent to be bloodlessly objective. Their main purpose, after all, is as diagnostic or legal instruments. As such, they tend to omit subjective, phenomenological, or emotional aspects of the events at issue. But from the perspective of the victim, these will usually be the most important aspects.

This sort of point is made by Ian Kidd and Havi Carel (2018, 2019) in their work on epistemic injustice in healthcare. They argue that purely naturalistic conceptions of health and disease tend to promote hermeneutical injustice by limiting the acceptable conceptual resources to those that are strictly biomedical:

At its most basic, [the epistemic privileging of naturalistic conceptions of health] can consist of blunt rejection of alternative accounts of health and illness as alterations to one’s embodiment or structures of experience, as false, inchoate, or unintelligible. When cancer patients talk of feeling “betrayed” by their body and its “traitorous” tumours, or when ill persons

⁵ Indeed, Haslanger indicates that the distinction between institutional and local concepts may not map onto that between manifest and operative concepts: “Although a concern with power may recommend being especially attentive to the distinction between institutional and local meanings, for our purposes it will be important to have available the distinction between what I’ve elsewhere called the *manifest* concept and the *operative* concept” (2005, 14).

report that the world feels “weird”, “unstable”, or “hostile”, their testimonies can be rejected as clinically irrelevant at best, confused or meaningless at worst (Kidd and Carel 2019, 163).

The naturalistic conception, say Kidd and Carel, should not be adopted to the exclusion of all others. Similarly, I suggest that it would be a mistake to entirely replace the ‘folk’ concepts of rape and abuse with official medico-legal concepts.

If this suggestion is right, questions arise about how the two sets of concepts should be integrated. There would seem to be a risk of further hermeneutical injustice if the professionals unilaterally *impose* their concepts on the victims.

4. The Hermeneutical Marginalization of Children

I now return to the case of children in particular, and some wider reflections on their hermeneutical status.

As I have noted, hermeneutical injustice arises because of hermeneutical marginalization: i.e., because concepts describing a group’s experiences are not taken up into the collective hermeneutical resource. It is therefore assumed that in order to remedy hermeneutical injustice, concepts that reflect the marginalized group’s experiences must be accepted by the privileged group. (For example, white people must accept the concepts that Black people have created to capture their own experiences of racism.)

It is undoubtedly the case that concepts describing children’s experiences are not typically taken up into the collective hermeneutical resource. As Lo says, “children’s social meanings are rarely distributed across society at large due to structural barriers” (3). So children are hermeneutically marginalized—indeed, perhaps more systematically than any other social group.

However, it may be doubted whether much of this marginalization amounts to a hermeneutical injustice. And even when it does, it may be doubted whether the usual remedy is applicable. For children often *lack* concepts that accurately capture their own experience; and the concepts they do have may often be inadequate or even harmful.

Such certainly seems to be the case with child abuse. As Lo says, many children have a dramatically faulty concept of child abuse. Remedying this situation, then, consists not in adults taking up children’s own concepts, but in our providing children with more accurate concepts.

This kind of situation is not unique to children. As Jenkins says, adult victims of rape or abuse often need to be provided with more adequate concepts of those experiences. And in a healthcare context, a patient’s initial concept of their condition may need to yield, at least to a degree, to the concepts possessed by medical professionals.

I noted above that the manner and extent of this conceptual yielding may need to be carefully handled, however, in order to avoid committing further hermeneutical injustice against the victims. There is a risk of simply denying any aspects of the victims' experience that do not fit with the officially 'approved' concept.

In the case of children, this risk may ramify tremendously, because of the scope of their marginalization. We therefore need, I think, to ask some important and difficult questions. (Kotzee 2017 and Baumtrog 2018 have raised questions similar to those that follow.)

First: given that children are, of natural necessity, subject to extremely broad hermeneutical marginalization, to what extent does that marginalization constitute a hermeneutical injustice? And to what extent, therefore, are we (as adults) obligated to remedy that marginalization?

Second: what form should such remediation take? Should adults simply impose their concepts on children, or might this sometimes constitute a kind of hermeneutical injustice in itself? Should we sometimes instead take up concepts (if any) that children have developed for themselves?

Many will say, not unreasonably, that children's hermeneutical marginalization is largely unavoidable, and hence does not in general count as an injustice. This may be why Fricker (2007) never discussed the hermeneutical status of children—even though one of her lead examples featured a child, or at least a young teenager. Fricker presents the protagonist of Edmund White's autobiographical novel *A Boy's Own Story* as a study in the marginalization of a gay person, rather than of a child; yet the case is arguably both. Moreover, Fricker's particular focus in this case is on the way that hermeneutical marginalization may harm the development of the self, which is a critical aspect of childhood.

As I have said, I fully agree with Lo that victims of child abuse can suffer hermeneutical injustice. It also seems likely that children are particularly susceptible to hermeneutical injustice in healthcare settings (Carel and Györfy 2014). Positive steps ought to be taken to address or prevent the marginalization that leads to such injustices; and like Lo, I find unconvincing the objection that children should be 'protected' from knowledge of such matters. But these are cases in which very serious and identifiable harm can result from the child not possessing the relevant concepts. What about cases where the harm is less severe, or more indirect or diffuse?

Consider an example: children's understanding of healthy eating. In general, it is important for children to develop healthy eating habits. For this to happen, a child must learn *what it is* to eat healthily. There is a whole network of concepts here, concerning food kinds, eating behaviors, bodily perceptions, and more. Unfortunately, children (at least in the Western world) now swim daily in a tide of media messages that, for the most part, promote poor understandings of food and eating—food *myths*, we might say. According to Lo—and again, I agree with her—it is a hermeneutical injustice to leave children under the sway of myths about child abuse. Is it, then, a hermeneutical injustice to leave them under the sway of

myths about healthy eating (for example, that orange juice is healthier than water, or that ketchup is a vegetable)? If so, then what obligations do adults have to remediate that injustice? And what form should that remediation take?

At this point I have no answers to offer to these questions. Nor are they questions that Lo had any responsibility to address in her present paper. But I believe they are questions that a full account of epistemic injustice regarding children will need to answer.

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