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LOCUTIONARY DISABLEMENT AND EPISTEMIC INJUSTICE

by

Dana Grabelsky

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ABSTRACT

LOCUTIONARY DISABLEMENT AND EPISTEMIC INJUSTICE

by

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In this paper, I investigate how the notion of epistemic injustice relates to two distinct, though not incompatible, models of the phenomenon of silencing: epistemic and linguistic. I argue that a linguistic model of silencing can be used to elucidate the nature of hermeneutical injustice—a type of epistemic injustice identified by Miranda Fricker. I put forth my own reformulation of the linguistic model of silencing as locutionary (as opposed to illocutionary) disablement, when it occurs in cases of hermeneutical injustice, and I argue that this reformulation can respond to the criticism that Fricker’s construal of hermeneutical injustice falls prey to charges of epistemic hegemony. I conclude by suggesting that this form of silencing, which has its origins in a history of political domination and dehumanization, is connected to a third, distinctive form of epistemic injustice (beyond testimonial and hermeneutical injustice), which concerns the unfair distribution of the burdens of communication between members of differently situated social groups.

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Introduction

Rachel Jeantel, a young black woman, served as a key prosecution witness in the 2013 trial of George Zimmerman for the murder of Trayvon Martin. A friend of Martin, Jeantel was on the phone with Martin when the altercation with Zimmerman began, so her testimony was to be especially illuminating in providing evidence of how the events unfolded. However, once she took the stand, communicative dysfunction ensued; and in the media and larger public conversation, Jeantel was attacked and ridiculed for her supposedly “incomprehensible” testimony. But as some linguists, such as John Rickford (2014) and John McWhorter (2013), point out, Jeantel was, in fact, speaking a perfectly comprehensible dialect of English, African American Vernacular English (AAVE, or Ebonics), and the ridicule leveled against Jeantel was undeniably racist and sexist in nature. As Brittney Cooper (2013) explains:

The unique quality of her black vernacular speaking style became hypervisible against the backdrop of powerful white men fluently deploying corporate, proper English in ways that she could not do. The way they spoke to her was designed not only to discredit her, but to condescend to and humiliate her.

Because of these racist and sexist judgments regarding Jeantel’s speech and demeanor, her attempt to share important knowledge via her testimony was seriously and wrongly impeded; as such, she seems to have suffered from what Miranda Fricker (2007) would call an *epistemic injustice*.

In this paper, I investigate how this notion of epistemic injustice relates to two distinct, though not incompatible, models of the phenomenon of silencing: epistemic and linguistic. While Fricker follows an epistemic model of silencing and locates it within the context of the first type of epistemic injustice that she describes—*testimonial injustice*—I argue that a linguistic model of silencing can be used to elucidate the nature of the second type of epistemic injustice—*hermeneutical injustice*. I begin in section 1 by providing an overview of both the epistemic and

linguistic models of silencing. Then, in section 2, I argue that a reformulation of the linguistic model of silencing as locutionary (as opposed to illocutionary) disablement can help respond to the criticism that Fricker's construal of hermeneutical injustice falls prey to charges of epistemic hegemony, and I put forth my own reformulation of silencing as locutionary disablement (three types, corresponding to Austin's three distinctions among locutionary acts) as it occurs in cases of hermeneutical injustice. Lastly, in section 3, I suggest that this form of silencing is connected to a third, distinctive form of epistemic injustice (beyond testimonial and hermeneutical injustice), which concerns the unfair distribution of the burdens of communication between members of differently situated social groups. I call this third type of epistemic injustice the *epistemic injustice of interpretive burden*. I claim that this injustice arises due to a particular history of political domination—that of White supremacy, as articulated by Charles Mills in *The Racial Contract*—and the deliberate dehumanization and devaluation of marginalized groups and their linguistic practices, and willful epistemic ignorance on the part of the dominant group.

Because of the structural nature of this sort of oppression I explain how it can occur even in circumstances in which theorizers and activists are attempting to ameliorate the former two types of epistemic injustice. The epistemic injustice of interpretive burden is particularly prevalent in the case of White-dominated feminist theory. When their voices are not outright silenced in this domain, women of color are often expected to take on the responsibility of bridging the interpretive gap—due to either language barriers or divergent life experiences (or both)—between their White interlocutors and themselves. This particular form of epistemic injustice must also be addressed and resolved, if those who claim to be committed to dismantling historically unjust power structures wish to succeed in their social justice-oriented efforts.

1. Testimonial Injustice and Two Models of Silencing

1.1 Overview of Testimonial Injustice

In *Epistemic Injustice: Power and the Ethics of Knowing* (2007), Miranda Fricker offers an account of two types of injustice that are distinctly epistemic in nature: testimonial injustice and hermeneutical injustice. These injustices are epistemic because they harm an individual in her capacity as a knower. But they are also inextricably linked to ethical injustices arising from systematic imbalances in social and political power. Fricker argues that because these epistemic injustices arise from such imbalances in social and political power, in order to confront and ultimately mitigate the effects of such injustices, we must consider the socially and politically situated contexts in which they occur.

As noted above, the first of these two types of epistemic injustice is testimonial injustice. Fricker argues that testimonial injustice is perpetrated by a hearer against a speaker, when the hearer's credibility judgment of the speaker is diminished due to prejudicial stereotypes associated with the speaker's social type. This is both a distinctly *epistemic* injustice—in that it harms the speaker in her capacity as a knower—and an ethical injustice—in that the prejudicial stereotypes upon which the diminished credibility judgment is formed are the result of an imbalance of social power. When a speaker's credibility is diminished, this leads to a demotion in the speaker's epistemic status from “informant to source of information, from subject to object” (Fricker 2007:133). Drawing on Edward Craig's State of Nature story (1990), Fricker explains that one's status as an informant, as opposed to a mere source of information, is significant in that distinguishing among good and bad informants is essential to our epistemic practices and to our very concept of knowledge. When a speaker is perceived as not credible as an informant, she is excluded from participating in the exchange and production of knowledge

that occurs amongst “the community of informants” (2007:130). Her testimony might be taken as evidence of some kind, but it is the sort of evidence that might equally have been given by an object—for instance, a thermometer might be a source of information regarding the temperature, but because it is an object, it is a mere source of information rather than an informant. When a speaker’s testimony is taken as evidence in this way (that is, as coming from a mere source of information), she is epistemically objectified.

Thus Fricker identifies the intrinsic harm of testimonial injustice in the epistemic objectification of the speaker. When a speaker is objectified in this way, her words no longer count as testimony coming from a knower; instead, she is treated as a mere source of information. However, it is important to note that objectification per se is not necessarily harmful—it constitutes an epistemic harm only when the reason for objectifying a speaker stems from prejudicial stereotypes about the speaker’s social types.¹ Such stereotypes arise in the context of systematic ethical injustice, and therefore, their deployment in judging a speaker’s epistemic status is also unjust.

1.2 Sexual Objectification and the Epistemic Model of Silencing

Fricker describes the link between the harm of epistemic objectification and the harm of sexual objectification, writing:

[O]ur main interest in the connection between sexual and epistemic objectification lies not in the general idea that they might be causally related via a common prejudice, but more specifically in the possibility that a climate of sexual objectification might give rise to cases of testimonial injustice so extreme that the epistemic injustice crosses over into a fundamental communicative dysfunction. (2007:139)

¹ A case in which epistemic objectification would not constitute a harm: a tired and hungry young child is acting out and yells at his mother, “I hate you, Mommy!” His mother knows he acts this way when he is tired and hungry, so she does not treat his words as conveying his true meaning as a knowing agent; she treats him instead as a source of information—that information being, “My child is tired and hungry.”

This “fundamental communicative dysfunction” leads to a phenomenon known as silencing. Silencing occurs when a speaker’s credibility is diminished so severely—prior to even offering any piece of testimony—that when she does speak, “her utterance simply fails to register with [the hearer’s] testimonial sensibility” (2007:140). That is, the hearer does not recognize the speaker as even being able to offer any sort of testimony—the speaker is totally objectified in these cases.

Fricker notes another account of silencing, offered by Rae Langton and Jennifer Hornsby, who frame this phenomenon in the context of philosophy of language (particularly the speech act theory of J.L. Austin), rather than epistemology. Specifically, Langton and Hornsby focus on the importance of the communicative relationship between speaker and hearer, which is in some way undermined when silencing occurs. Curiously, however, Fricker quickly seems to reject their linguistic model of silencing in favor of the epistemic model because, as she claims, “[the epistemic model] requires less erosion of women’s human status before the silencing effect kicks in” (2007:142). I find Fricker’s dismissal of the linguistic model curious because, 1) like José Medina (2012), I do not immediately see how the two models are inherently incompatible with one another, and more importantly, 2) the linguistic model’s emphasis on the communicative and reciprocal nature of speech acts can be used to address a particular criticism of Fricker’s account of the second type of epistemic injustice: hermeneutical injustice. However, before addressing this criticism, I must first offer a brief account of the linguistic model of silencing.

1.3 The Linguistic Model of Silencing

In “Speech Acts and Unspeakable Acts” (1993), Rae Langton takes up the concerns of feminist theorists regarding the silencing effect that pornography has on women.² She places this issue in the context of speech act theory, whereby an utterance constitutes a particular kind of

² Notable among feminist theorists on this topic is Catharine MacKinnon.

action. This notion of speech acts applies to pornography in that Langton characterizes pornography as both a kind of speech and a kind of act—and thus: a speech act. She writes succinctly in the opening paragraph:

Pornography is speech. So the courts declared in judging it protected by the First Amendment. Pornography is a kind of act. So Catharine MacKinnon declared in arguing for laws against it. Put these together and we have: pornography is a kind of speech act. (Langton 1993:293)

This prompts the question, then: what kind of speech act is pornography and how does it contribute to the silencing of women? To answer this question, Langton appeals to J.L. Austin's distinctions between three different types of speech acts: locution (i.e., the content of an utterance), illocution (i.e., the action constituted by the utterance), and perlocution (i.e., the effect of the utterance) (Langton 1993:295). Using this terminology, Langton argues that not only does pornography depict and consequently perpetuate the subordination of women, but it itself performs the illocutionary act of subordinating women—thus, she characterizes silencing as *illocutionary disablement*. According to Langton, pornography silences women—via illocutionary disablement—because it has the authority to issue certain illocutionary demands—that is, “rank[ing] women as sex objects [and] legitimat[ing] sexual violence” (Langton 1993:307). Similarly, those in other positions of power may have the authority to issue subordinating speech acts. For instance, Langton points to the utterance, “Blacks are not permitted to vote” (1993:302). When uttered by a legislator in Apartheid-era South Africa, this speech act has an illocutionary force, which serves to subordinate blacks—thus “a speech act [can] be an illocutionary act of subordination” (1993:302).

So, presupposing that pornography (or perhaps more generally, the patriarchal societal structure out of which it has developed) does in fact have the authority perform this illocutionary

act of subordination, it leads to the illocutionary *disablement* of women.³ This is because the power differential between speakers and hearers in this context is so unequal, women as speakers—having been subordinated and objectified—are not even in enough of a position of authority to be able to perform certain very important illocutionary acts. The communicative relation between speaker and hearer has been undermined so severely, the hearer does not (or even cannot) properly take up what the speaker has done in saying something. Paradigmatically, the illocutionary speech act of refusal that a woman performs in uttering the locution “No” in response to an unwanted sexual advance is not properly taken up by the hearer. In contrast with pornography’s authority to illocutionarily subordinate women, it is the woman’s *lack* of authority to refuse sexual advances, in this case, that prevents her “No” from being taken up as a genuine act of refusal—thus, her illocution has been silenced.

2. Silencing as *Locutionary* Disablement in Hermeneutical Injustice

2.1 Overview of Hermeneutical Injustice

With both the epistemic and linguistic models of silencing in mind now, I will explain how silencing might occur in cases of the second type of epistemic injustice that Fricker describes: hermeneutical injustice. Though Fricker explains silencing only within the context of testimonial injustice, I propose that silencing can occur in cases of hermeneutical injustice as well, and it is in these cases that the linguistic model of silencing can help address the criticism that Fricker’s account of hermeneutical injustice is guilty of a certain epistemic hegemony. First,

³ Whether or not pornography itself has the sort of authority that Langton and those like MacKinnon claim it does is a source of considerable debate. I am inclined to think that it is not pornography alone that issues such subordinating demands, but rather the larger cultural framework that eroticizes the objectification and subordination of women; that is, pornography is just one of many institutions that derives its authority to issue such illocutions from the authoritative patriarchal structure of society. Though this debate is itself worthy of investigation, for my purposes, I am concerned primarily with the second part of Langton’s paper, which focuses more specifically on the phenomenon of silencing in women—in particular, their failure to perform certain illocutionary acts—rather than the power of pornography to silence.

however, a brief overview of Fricker's account of hermeneutical injustice is required. Fricker writes: "Hermeneutical injustice is: *the injustice of having some significant area of one's social experience obscured from collective understanding owing to a structural identity prejudice in the collective hermeneutical resource*" (Fricker 2007:155).

To illustrate a paradigmatic case of hermeneutical injustice, Fricker points to the phenomenon of "sexual harassment." She explains in the case of the phenomenon of sexual harassment: prior to the introduction of the term "sexual harassment," women who experienced what we now call sexual harassment suffered a hermeneutical injustice. They suffered such an injustice because they were unable to make sense of and articulate what it was they were experiencing at the hands of men and other superiors in the workplace. For women, this definite, but yet unnamed, experience was so unintelligible and inarticulable even to themselves, that this frustration often manifested itself in both psychological and physical symptoms. Once women began the practice of consciousness raising, acknowledging that *something* was happening to them, but prior to actually having the term "sexual harassment" at their disposal to describe their experience of it, it was the case that: "[t]he 'this' they were going to break the silence about had no name." [...] Here is a story about how extant collective hermeneutical resources can have a lacuna where the name of a distinctive social experience should be" (Fricker 2007:150).⁴ In other words, I suggest, women lacked the meaningful *locution*—"sexual harassment"—to communicate their experience. In this sense, then, I propose that hermeneutical injustice can result in silencing in the form of *locutionary* disablement, as opposed to just *illocutionary* disablement.

⁴ Brownmiller in *In Our Time*, 280-281, as quoted by Fricker.

2.2 Locutionary Disablement

Remember that, “[t]o perform a locutionary act is to utter a sentence that has a particular meaning, as traditionally conceived” (Langton 1993:295). When an individual is excluded from the hermeneutical framework determined by the dominant cultural power, she may lack even the ability to perform the locutionary act of expressing her thoughts intelligibly. Langton addresses the possibility of what I am now calling locutionary disablement when considering which type of speech act (i.e., locution, illocution, or perlocution) is in play when silencing occurs. She writes:

At the first and most basic level, members of a powerless group may be silent because they are intimidated, or because they believe that no one will listen. They do not protest at all, because they fear the guns. In such cases, no words are uttered at all. In Austin’s terms, speakers fail to perform even a *locutionary* act. (1993:315)

It is not necessarily the case that a member of a marginalized group is literally (i.e., physically) prevented from speaking, but in any case, they are silenced in the sense that their political circumstances render them unable to communicate because the cost of speaking is too high. The problem is not only that the proper uptake has not been secured, in that the action performed in a particular illocution has misfired (for instance, an act of refusal in the utterance of “no” is taken as an act of consent). Rather, in the cases to which Langton refers, the marginalized member is prevented from speaking at all.

Being prevented from speaking or lacking a particular locution, however, are just two ways in which one can be locutionarily disabled. I suggest that another way of being locutionarily disabled is to be excluded from participating in a shared language or conceptual framework (i.e., Fricker’s “collective hermeneutical resource”).⁵ If I am correct in arguing that

⁵ Throughout the remainder of this paper, I will use such terms as “linguistic framework,” “conceptual framework,” and “hermeneutical framework” roughly interchangeably to describe the frameworks under which one articulates their concepts and experiences through language.

locutionary disablement can and does occur (in addition to illocutionary disablement), then it is reasonable to suggest that there may also be different types of locutionary disablement, given that Austin identifies three distinctions among locutionary acts. Summarizing this account of locutionary acts, Austin writes:

We [...] made three rough distinctions between the phonetic act, the phatic act, and the rhetic act. The phonetic act is merely the act of uttering certain noises. The phatic act is the uttering of certain vocables and words, i.e. noises of certain types, belonging to and as belonging to a certain vocabulary, conforming to and as conforming to a certain grammar. The rhetic act is the performance of an act using those vocables with a certain more-or-less definite sense and reference. (Austin 1962:95)

Like illocutionary acts, Austin argues, locutionary acts are subject to failure—but they are subject to failure in an importantly different way: “failures [of locutionary acts] will not be unhappinesses as [in illocutionary acts], but rather failures to get the words out, to express ourselves clearly, etc.” (1962:106). “Failures to get the words out,” then, might be characterized as a failure of phonetic acts, while failures “to express ourselves clearly” might be characterized as a failure of either phatic acts or rhetic acts. Such failures seem to accurately describe the various cases of locutionary disablement I consider throughout this paper. In the case of being prevented from speaking or lacking a particular locution, one is locutionarily disabled—but in particular, one is *phonetically* disabled, because she fails to perform “the act of uttering certain noises.” This is just what occurred in the case of sexual harassment, when women did not even have the words to articulate what they were experiencing. Not having the words can have significant ramifications, particularly in cases in which being able to articulate one’s complaint can determine one’s legal options: you cannot sue for sexual harassment unless the term “sexual harassment” exists in the first place. So in the case of sexual harassment, the hermeneutical

injustice that women suffered was characterized by phonetic disablement. However, as I will argue in relation to Rachel Jeantel's case, one can also be *phatically* disabled.⁶

2.3 Jeantel, revisited

Let's return now to the opening case of Rachel Jeantel. Clearly, Jeantel suffered a testimonial injustice, similar to the (fictional) example of Tom Robinson from *To Kill A Mockingbird* that Fricker utilizes to illustrate testimonial injustice. In Fricker's often used example, she explains that Tom Robinson's testimony is deemed not credible by a jury of whites as a result of systematic prejudice towards blacks. In the case of Rachel Jeantel, however, I want to argue, that she was also a victim of hermeneutical injustice, given the emphasis not just what she said, but the way in which she spoke in her testimony: besides the blatantly racist ridicule leveled against her appearance and demeanor, Jeantel's use of language was harshly criticized as well. Perhaps given that her first language was Haitian Creole, and not English, confusion regarding her speech was partly understandable. However, this was not simply a case of language barriers, because had she spoken an entirely different language than English in her testimony, as opposed to a dialect, she would have been given a translator:

Since one cannot restrict witnesses to those who speak fluent standard English [...] it is up to jurors and the court to make greater efforts to understand them. The problem is exacerbated for speakers of English dialects, who do not get access to translators as witnesses from foreign language backgrounds do. (Rickford 2014)

So while it is perfectly understandable that we might often encounter problems regarding language translation in our globalized society, that more effort was not made to understand Jeantel's English dialect in an American courtroom shows that systematic prejudice was certainly at play. Jeantel's use of AAVE was likely disregarded because it represented a

⁶ While, presumably, one may also be rhetically disabled, I will not explore that possibility in depth here. The accounts of phonetic and phatic disablement will, I think, suffice for illustrating that there are at least two different ways in which one might be locutionarily disabled.

deviation from standard (that is, “superior”) English: “As is often the case, particularly in formal settings, unfamiliarity with and negative attitudes toward vernacular speech rendered Jeantel simply ignorant in the eyes of the jury – and therefore not a credible witness” (Rickford 2014). That Jeantel’s credibility as a witness (as relates to testimony) was inextricably bound up with negative attitudes towards her speech (as relates to the cultural hermeneutical framework), suggests that she was a victim of both testimonial and hermeneutical injustice, as construed by Fricker.

Given that we are socially situated beings, the feelings and experiences that we are able to express are made expressible and intelligible through hermeneutical frameworks that provide us with language and concepts. But since not all of us actually share these same frameworks—as we have just seen in the case of Rachel Jeantel—communication across different frameworks can be impeded when no attempts are made to bridge the interpretive gap between the frameworks. This usually occurs when one framework is seen by the politically dominant group as inferior to their own (for instance, English dialects seen as inferior to “standard” English). Fricker herself notes that it is not just a matter of having a specific phrase (i.e. locution) such as “sexual harassment” to articulate one’s experience that is necessary in order to avoid hermeneutical injustice. In addition to having a particular locution at one’s disposal, one must also have access to the entire conceptual and linguistic framework in order to make one’s experience intelligible—perhaps to themselves and certainly to others—within a society:

[W]e must recognize that a hermeneutical gap might equally concern not (or not only) the content but rather the form of what can be said. Thus the characteristic expressive style of a given social group may be rendered just as much of an unfair hindrance to their communicative efforts as interpretive absence can be. (2007:160)

But which expressive styles count as intelligible within a collective hermeneutical framework? The answer to this question exposes an unintended and problematic aspect of Fricker's account that apparently ignores the significance of non-dominant hermeneutical frameworks for self-understanding by members of marginalized groups, and betrays her own commitment to challenging epistemic hegemony.

In addressing this apparent blind spot in Fricker's account, I claim that the nature of the hermeneutical injustice perpetrated against Jeantel extends beyond the form of hermeneutical injustice that Fricker articulates. Specifically, I argue that the hermeneutical injustice that Jeantel suffered includes the specific form of locutionary disablement (in particular phatic disablement). Further, my account allows us to maintain that Jeantel was both locutionarily and illocutionarily disabled since, as Austin (1962:147) claims, there is generally a great deal of overlap between locutionary and illocutionary acts, therefore my account of silencing is compatible with Langton and Hornsby's account. However, by looking at the case of Rachel Jeantel specifically as a case of *locutionary* disablement, the way in which the reciprocal communicative relation between speaker and hearer was undermined becomes even more striking. There is not even a possibility of proper uptake, when the hearer does not even understand the locution. It is no surprise that Jeantel was illocutionarily disabled (in that what she was trying to do in saying something (her illocutionary act) was unsuccessful, given that the content of what she was trying to say did not rise to the level of successful locution. In the eyes (or rather, ears) of her interlocutors, Jeantel's testimony failed the phatic level. Jeantel was phatically disabled because although she spoke words that were mostly recognizable as English, her grammatical constructions were not (they were the grammatical constructions of AAVE). However, one might think it unfair to suggest that Jeantel was phatically disabled, given that she was able to perform phatic acts within the

context of her own dialect. But somehow, she still did not succeed in communicating, suggesting that her phatic acts were less than fully successful. This, I think, demonstrates the communicative nature of language described by Jennifer Hornsby.

Hornsby argues that any philosophical account of language must include the fact that it is fundamentally communicative, and thus the hearer is just as essential as the speaker. As she explains:

Philosophers who think in isolation about language make an assumption about the self-sufficiency of the individual language user. [...] The philosopher who thinks about language in abstraction from use forgets about its function: he forgets what sentences are for. Sentences of course are for communicating with. Thus we make the function of language evident if we accord a central role to saying something to another in the explication of linguistic meaning. (2000:8)

Jeantel's experience may very well have been obscured from the "collective" understanding of the dominant groups (i.e., White men) in the courtroom, but it was not obscured from her own understanding. She spoke in, and had full command of, the dialect in which she was raised. That the public responded with such outrage and confusion demonstrates ignorance on their part, not on Jeantel's part. This suggests that Fricker's account of hermeneutical injustice is inadequate in accounting for all of the consequences of being excluded from a hermeneutical framework.

2.4 Criticism of Fricker's Hermeneutical Injustice

It is problematic to suggest that by virtue of being excluded from the dominant hermeneutical framework, Jeantel was "prevent[ed] from understanding a significant area of her social experience, thus depriving her of an important patch of self-understanding" (Fricker 2007:149). Jeantel, in fact, had a hermeneutical framework through which she could articulate her experience, but it was not recognized as intelligible by those operating within the politically and culturally dominant (i.e., White) hermeneutical framework. Contrary to Fricker's account

then, just because a marginalized group speaks a less dominant dialect of a language, this does not mean that they are necessarily always victims of hermeneutical injustice—at least, that is, in terms of an obfuscation of self-understanding. This would delegitimize important forms of cultural expression and linguistic practice, which is precisely the unjust dominant viewpoint that Fricker herself emphatically criticizes.

As Rebecca Mason (2011), José Medina (2012), and Kristie Dotson (2012) all point out, this exposes a blind spot in Fricker’s construal of hermeneutical injustice. Fricker appears to ignore the possibility that while a marginalized group may be excluded from the *dominant* hermeneutical resource, this does not entail that the group’s subjects lack self-understanding or self-intelligibility from the perspective of their own culture’s hermeneutical resource:

[W]ith and through the development of new expressive and interpretive resources, hermeneutically marginalized subjects can eventually achieve understanding of their obscured experiences while they may still remain systematically misunderstood by others (some others) when they try to communicate about those experiences. In these cases the hermeneutical injustice continues even after the lack of self-understanding disappears, which shows that the problem goes deeper and concerns not only a deficient self-understanding, but also and more fundamentally a precarious and unequal relation to expressive and interpretive practices in which experiences are shared with others. (Medina 2012:207)

So as Medina explains above, being unable to participate within the dominant hermeneutical framework does not preclude self-knowledge or intelligibility. But this exclusion does prevent the successful performance of certain speech acts, particularly at the level of locution, because it interferes with the requisite conditions of reciprocity in the speaker-hearer relationship. As

Hornsby explains:

“What reciprocity ensures is only that hearers are such as to recognize speaker’s speech as it is meant to be taken. It ensures that in ordinary cases of linguistic communication, there is something a speaker has done which both is overt (not concealed by the speaker) and is transparent (not hidden from hearers)” (Hornsby 2003)

The hearer, just as much as the speaker herself, needs to understand what the speaker is saying (locution) and what the speaker is doing in saying it (illocution). When the hearer fails to understand what the speaker says because he operates within a dominant linguistic framework, while the speaker operates within a marginalized linguistic framework, this is still a case of epistemic injustice in some sense even if the speaker does not lack self-understanding, as is seemingly required in the case of hermeneutical injustice. So while Jeantel's vocabulary and grammar were in fact the internally consistent vocabulary and grammar of AAVE, that her interlocutors in the courtroom were unable (or unwilling) to understand her demonstrates the significance of the reciprocal speaker-hearer relationship in successful communication. Like Hornsby, Kristie Dotson emphasizes the importance of the speaker-hearer relationship in communication, explaining: "Speakers require audiences to 'meet' their effort 'halfway' in a linguistic exchange" (2011:238). In cases like those of Jeantel, her audience, operating within a dominant linguistic framework, proved unwilling to meet her communicative efforts halfway in accommodating her linguistic diversity; that they did not demonstrates that racist attitudes regarding the value and intelligibility of non-dominant dialects such as AAVE played a role in their response to her testimony.

2.5 The Upshot of Locutionary Disablement

In sum: while Langton and Hornsby propose an account of silencing as *illocutionary* disablement, it appears that in cases when one operates within a non-dominant hermeneutical framework, silencing can occur even at the *locutionary* level: that is, the ability of members of politically marginalized social groups is impeded to such an extent, that communication between dominant and non-dominant groups can become nearly impossible. Remember that the ability to perform locutionary act can be construed as the ability to say anything at all. In cases of language

or dialect barriers, a speaker is unable to communicate a particular locution to a hearer because the hearer simply does not understand the meaning of that utterance. The speaker, in effect, has not communicated *anything* because the reciprocal relation between speaker and hearer does not hold. In this sense, then, the speaker has been silenced in a way considered neither by Langton and Hornsby (in that it is locutionary, as opposed to illocutionary), nor by Fricker (in that it follows the a linguistic model of silencing, as opposed to just the epistemic model). Additionally, while this silencing occurs within the realm of hermeneutical injustice, it is a different form of hermeneutical injustice than the one Fricker has identified (or, as I will suggest, a different type of epistemic injustice altogether).

There is nothing inherently unjust, however, in being unable to communicate a particular locution. Language barriers impede communication all the time. It is only when this sort of communicative dysfunction occurs as a result of unjust imbalances in social power that it becomes problematic. When this is the case, we must look at the political and historical circumstances that govern what language counts as “intelligible” to “collective” understanding. Even what can be communicated at the locutionary level is a political matter, as different cultural frameworks will dictate which locutions are deemed intelligible. Which frameworks come to dominate is a historical, political, and, as we will see, philosophical issue, that bears on the relation between individuals’ epistemic capacities and their humanity.

3. A Third Type of Epistemic Injustice

3.1 Interpretive Burdens

As I have just argued, it is not necessarily the case that one lacks self-understanding when one is excluded from the dominant hermeneutical framework. But it is the case that the

communication of meaningful locutions between groups can be greatly inhibited. So the harm of silencing via locutionary disablement persists in many cases of hermeneutical injustice, although the harm of the lack of self-understanding may not. Bridging the interpretive gap between a marginalized framework and a dominant framework, then, requires effort on the part of the dominant group of hearers to recognize the historical and philosophical precedent for devaluing the speech and modes of expression of marginalized groups, and to deliberately push back against this precedent—as deliberately as this precedent was established in the first place. Unfortunately though, this interpretive burden usually falls upon the shoulders of marginalized group. Rather than the dominant group reconsidering and actively reversing its prejudicial attitudes toward the hermeneutical frameworks of marginalized groups and learning to interpret frameworks different from their own, it is the marginalized group that must master navigating through the dominant framework to make themselves understood, or risk dehumanization or worse: “Often for their very survival, blacks have been forced to become lay anthropologists, studying the strange culture, customs and mind-set of the ‘white tribe’ that has such frightening power over them” (Mills 2007:17). That marginalized groups often must struggle to make themselves understood in this way—not to themselves, but to the dominant power—suggests that there may be a third type of epistemic injustice, beyond testimonial injustice and hermeneutical injustice (though importantly related to features of both). In what follows, I will articulate this distinct, third form of epistemic injustice—what I will call the *epistemic injustice of interpretive burden*.

3.2 Structural Epistemic Ignorance

Recall Fricker’s definition of hermeneutical injustice: “Hermeneutical injustice is: *the injustice of having some significant area of one’s social experience obscured from collective*

understanding owing to a structural identity prejudice in the collective hermeneutical resource” (Fricker 2007:155). I propose that this third type of epistemic injustice occurs similarly when a “significant area of one’s social experience [is] obscured.” But unlike hermeneutical injustice, it is not the case that it is obscured from “collective understanding”—as what counts as “collective” is itself a politically loaded question. Instead, such injustice occurs when a “significant area of one’s social experience” is obscured specifically from the understanding of the dominant group. Thus, this type of epistemic injustice goes hand in hand with epistemic ignorance on the part of the dominant group.

As Linda Alcoff (2007) explains, this epistemic ignorance on the part of the dominant group, along with practices of dehumanization, form a necessary condition for systematic oppression to occur—for, it is thought, a dominant society that takes itself (through a sort of self-deception) to be just surely would not engage in such practices as colonization and enslavement in the first place. Alcoff summarizes this line of thought, which she attributes to Mills as the *structural argument*, as follows:

1. One of the key features of oppressive societies is that they do not acknowledge themselves as oppressive. Therefore, in any given oppressive society, there is a dominant view about the general nature of the society that represents its particular forms of inequality and exploitation as basically just and fair, or at least the best of all possible worlds.
2. It is very likely, however, that this dominant representation of the unjust society as a just society will have countervailing evidence on a daily basis that is at least potentially visible to everyone in the society.
3. Therefore, cognitive norms of assessment will have to be maintained that allow for this countervailing evidence to be regularly dismissed so that the dominant view can be held stable. (2007:48)

Not only, then, does the dominant group have a vested interest in the privileging of their own “cognitive norms of assessment”, but this actually requires a willful epistemic ignorance that can only be achieved through deliberate practices of dehumanization.

In what follows, I will illustrate—through reference to Mills’s *The Racial Contract* (1997)—how the political system of white supremacy has operated in just this way to perpetrate and perpetuate a significant hermeneutical injustice—particularly of the sort associated with silencing as locutionary disablement—through the privileging of the white European hermeneutical framework. In not recognizing certain hermeneutical frameworks as legitimate, dominant groups perpetually deny the humanity of marginalized groups by denying their status as knowers and speakers.

3.3 Silencing and Dehumanization

Returning briefly to Langton’s and Fricker’s respective accounts of silencing—though they approach the issue of silencing from different philosophical areas—both agree that silencing constitutes a harm with regard to its effect on the cognitive capacities that are constitutive of one’s humanity. For Langton and Hornsby:

Possession of this capacity (which is to participate in illocution)—not just of the ability to produce intelligible sounds and marks (which is to participate in locution)—is necessary for any individual to flourish as a knowledgeable human being, and for the spread of knowledge across populations and generations of individuals. (1998:37)

And for Fricker: “To be wronged in one’s capacity as a knower is to be wronged in a capacity essential to human value. When one is undermined or otherwise wronged in a capacity essential to human value, one suffers an intrinsic injustice” (2007:44). Again, though, remember that Fricker prefers the epistemic model “because it requires less erosion of women’s human status before the silencing effect kicks in” (2007:142). However, it is this precise erosion of human status (i.e., dehumanization) that characterizes many occurrences of silencing of marginalized groups, especially when entire hermeneutical frameworks are deemed unintelligible by the dominant power.

Given this dehumanizing element of silencing, it will be helpful to explore how, historically, hermeneutical injustices have arisen precisely through dehumanizing practices and philosophical justifications. Further, an account of silencing as locutionary disablement illustrates particularly well how both marginalized groups and their associated expressive and linguistic practices are deliberately devalued to the point that such practices are barely registered as language at all by the dominant group. A close look at *The Racial Contract* (1997), in particular, will help draw out the ways in which willful epistemic ignorance on the part of the dominant group works alongside dehumanizing practices in order to strip marginalized groups of the legitimacy of their hermeneutical frameworks, and thus, silencing them via locutionary disablement.

3.4 *The Racial Contract* and Epistemic Injustice

In *The Racial Contract*, Mills draws on social contract theory and argues that in addition to the social contract, there has been an implicit (and oftentimes explicit) racial contract that has historically existed (and still currently exists) alongside the social contract. The racial contract, in fact, is far more real than any theoretical social contract, as it describes the actual history and perpetuation of white dominance over non-white populations. Briefly: the racial contract, like the social contract, describes the way in which society has been organized and attempts to justify its formation and structure. However, while the racial contract does describe the way in which white dominance became established over nonwhite populations, it does not actually endorse the justification for this political arrangement; rather, “it does normative work for us not through its own values, which are detestable, but by enabling us to understand the polity’s actual history and how these values and concepts have functioned to rationalize oppression, so as to reform them” (Mills 1997:6). Of course, while this paper does not engage with social contract theory, Mills’s

account is significant in that he presents a particular history of domination, which vividly illustrates not just the emergence of the racial contract, but also the emergence of systemic epistemic injustice. Importantly, Mills focuses largely on the epistemic dimension of the racial contract—that is, the epistemic norms and cognitive requirements that the signatories of the contract must satisfy: “the Racial Contract [is] epistemological, prescribing norms for cognition to which its signatories must adhere” (1997:11). This epistemological dimension of the racial contract is just where epistemic injustices occur.

According to Mills, the racial contract contains a distinctly epistemic element in that it restricts the possibility of knowledge to a subset of humans—in this case, White Europeans:

The epistemological dimension is the corollary of the preemptive restriction of knowledge to European cognizers, which implies that in certain spaces real knowledge (knowledge of science, universals) is not possible. Significant cultural achievement, intellectual progress, is thus denied to these spaces, which are deemed (failing European intervention), to be permanently locked into a cognitive state of superstition and ignorance. (1997:44)

This denial of one’s capacity as a knower (to use Fricker’s terminology) was then used as justification for the deliberate dehumanization of nonwhite populations. As Mills observes, this dehumanization was quite literal and, indeed, systematic:

In the slavery contract [...] the terms of the contract require of the slave an *ongoing* self-negation of personhood, an acceptance of chattel status [...] Thus, in the Caribbean and on the mainland of the Americas, there were sites where newly arrived Africans were sometimes taken to be ‘seasoned’ before being transported to the plantations. And this was basically the metaphysical transforming them from persons into subpersons of the chattel variety. (1997:84)

This literal dehumanization reflects Fricker’s notion of epistemic objectification in that a speaker/potential knower is downgraded in his status from subject to mere source of information (if that). Further, this process of dehumanization and objectification actually requires a great deal

of conceptualization and reconceptualization of the requirements for personhood, on both the part of the dominant white culture and subordinate nonwhite culture. Mills goes on:

This project requires labor at *both* ends, involving the development of a depersonizing conceptual apparatus through which whites must learn to see nonwhites and also, crucially, through which nonwhites must learn to see themselves. For the nonwhites, then this is something like the intellectual equivalent of the physical process of ‘seasoning,’ ‘slave breaking,’ the aim being to produce an entity who accepts subpersonhood. (1997:87)

Crucially, Mills points out that under the auspices of ideal theory itself, nonwhites have been systematically denied the cognitive status required to take part in such theorizing.⁷ And because it has historically been whites who have set the framework and norms for conducting ideal theory, nonwhites are not only left out of the conversation, but they are rendered unable to even potentially participate in this new framework into which they have been unwillingly thrust. This is because they lack the requisite conceptual framework and associated conceptual skills that have been delineated by the dominant group of theorists:

[C]oncepts are crucial to cognition: cognitive scientists point out that they help us to categorize, learn, remember, infer, explain, problem-solve, generalize, analogize. Correspondingly, the *lack* of appropriate concepts can hinder learning, interfere with memory, block inferences, obstruct explanation, and perpetuate problems.” (1997:6)

At first, this sounds strikingly like a paradigmatic case of hermeneutical injustice (like that of sexual harassment) as originally construed by Fricker. That this system of white dominance over nonwhites dictates the terms of that collective understanding means that those (nonwhites) who have been deliberately and perpetually excluded might end up lacking the conceptual resources to understand their own social experiences in terms of the dominant hermeneutical framework. However, as I have argued earlier, this exclusion from the dominant framework need not

⁷ While I do not intend to go into depth regarding the ideal vs. non-ideal theory debate in this paper, I mention Mills position on it because his criticism of ideal theory is conceptually linked with his criticism of those objective stances purportedly claimed to be taken up by dominant groups of theorists.

necessarily result in an obscuring of self-understanding. Further, this “*lack* of appropriate concepts,” which “can hinder learning interfere with memory, block inferences, obstruct explanation, and perpetuate problems” (Mills 1997:6) can affect those operating within the dominant hermeneutical framework just as much as it can affect those operating within the marginalized hermeneutical framework.

As we have seen (for instance, in the case of Rachel Jeantel), this lack of familiarity with and willful ignorance of different hermeneutical frameworks certainly “perpetuates problems” (to put it mildly!). Paradoxically though, as both Mills and Alcoff point out, this is usually to the benefit of the dominant group and to the detriment of the marginalized group, demonstrating that we are, in fact, dealing with injustice. Kristie Dotson identifies yet another type of epistemic injustice associated with epistemic ignorance, which she calls *contributory injustice*. She writes: “Contributory injustice is caused by an epistemic agent’s situated ignorance, in the form of willful hermeneutical ignorance, in maintaining and utilizing structurally prejudiced hermeneutical resources that result in epistemic harm to the epistemic agency of a knower” (2012:31). My own articulation of a third type of epistemic injustice is similar to Dotson’s in that it essentially involves epistemic ignorance on the part of the dominant group, but it extends to a particular consequence of this ignorance, which arises in cases when the dominant group is attempting to overcome its ignorance. Specifically, we end up dealing with the epistemic injustice of interpretive burden, because even when genuine attempts to overcome epistemic ignorance eradicate the first two types of epistemic injustice are made, communication between groups can still be seriously impeded—and it is usually members of the marginalized group that must struggle to make their language and concepts intelligible to the dominant group, rather than the other way around.

3.5 More Interpretive Burdens and ‘White Feminism’

Ironically, it is often the case that marginalized groups are subject to the interpretive burden of making themselves understood to others—the third type of epistemic injustice that I have identified—in the very attempts to ameliorate the former types of epistemic injustice. We see this in the criticism of white feminists by feminists of color: the same problems of White-dominated theory, as have been illustrated in *The Racial Contract*, are to a certain extent repeated when the dominant group of feminist theorists (i.e., white) dictate the language and conceptual framework of the theory. This leads to the exclusion of the voices—and thus, again, silencing—of women of color. In many cases, the interpretive burden placed on women of color is due to language barriers, such as the barrier between Spanish and English. As María Lugones explains:

(In an Hispana voice)

[...]

We and you do not talk in the same language. When we talk to you we use your language: the language of your experience and of your theories. We try to use it to communicate our world of experience. But since your language and your theories are inadequate in expressing our experiences, we only succeed in communicating our experience of exclusion. We cannot talk to you in your language because you do not understand it. So the brute facts that we understand your language and that the place where most theorizing about women is taking place is your place, both combine to require that we either use your language and distort our experience not just in speaking about it, but in the living of it, or that we remain silent. Complaining about exclusion is a way of remaining silent. (1983:575)

Though I remarked earlier that there is nothing inherently unjust in being unable to communicate a particular locution due to language barriers, upon closer examination of the actual language barriers that often impede valuable and constructive dialogue between feminists of different backgrounds it becomes clear that not making an effort to understand another’s language suggests epistemic ignorance on the part of the hearer—the same sort of epistemic ignorance historically practiced by the dominant White power. Such ignorance subjects the speaker to this

third form of epistemic injustice—the epistemic injustice of interpretive burden—whereby she must struggle to make herself understood, even when white feminists sincerely seek to understand the experiences of women of color.

The consequences of this reverberate beyond the realm of theory and into areas of lived experience—for example, in the legal system, as we have seen with Rachel Jeantel. Even in a setting in which communicating one’s experience (or rather, not being able to communicate one’s experience) to others is essential for the carrying out of justice—i.e., in the courtroom—there are both blatant and more subtle attempts to further silence marginalized groups. Perhaps, given the history of white supremacy, it is unsurprising that epistemic injustice would persist in these institutional and legal domains. As both Mills and Alcoff have explained, such institutions were designed to perpetrate, and at the same time erase evidence of, injustice. Jeantel had to struggle to make herself understood—a struggle that proved unsuccessful—but she did so in a system that was never meant to understand her in the first place (that is, a system dominated by White men).

However, what is perhaps more concerning than the continued willful epistemic ignorance of dominant groups is that even those with good intentions, as in the case of feminists, often continue to perpetrate epistemic injustice—particularly the epistemic injustice of interpretive burden—in their theorizing. The voices and experiences of women of color are often excluded—and thus, silenced—from narratives presented in mainstream, white-dominated feminism. Though this problem has been largely acknowledged within third-wave feminism, and more of an effort has been made to understand the distinct life experiences of those who occupy various intersecting marginalized identities, again, this task generally falls upon the shoulders of

women of color to teach and explain to white feminists the nature of their experiences of oppression.

White feminists can be, and often are, caught up in the same practice of epistemic ignorance that has persisted since the early days of the racial contract. Mariana Ortega explains: “I emphasize the dangerous terrain white feminists traverse when they claim to be concerned about women of color while at the same time being fully engaged in production of ignorance about the lives of these women” (2006:48). Not only do white feminists claim to be concerned about women of color, but in their attempts to practice a more inclusive and pluralistic feminism, they often demand that women of color exhaust their own epistemic and emotional resources in explaining their own oppression—a phenomenon that Nora Berenstain calls *epistemic exploitation* (2016). It is clearly the case, then, that substantial changes need to be made to the way feminist theory has historically been conducted. In the following section, I will gesture at what sorts of approaches might contribute to a more just feminism, with an eye towards the importance of reciprocity.

Because those engaged in such theory purportedly aim to dismantle the very oppressive and unjust systems that lead to epistemic injustice in the first place, it is of the utmost importance to the success of both their theoretical and practical efforts to take up a good share of the interpretive burden unjustly imposed on women of color. This is a particularly deliberate task of dismantling because, as we have seen, the historical circumstances by which such silencing arose in the first place were themselves politically and philosophically deliberate—that is, making the marginalized group’s hermeneutical framework unintelligible was part of the very process of dehumanization and domination. It speaks to the insidious nature of this centuries-long history of injustice that even those with the good intention of ending epistemic injustice risk reinforcing it.

3.6 Reciprocity in Overcoming Ignorance and Injustice

The positive project for a truly inclusive and pluralistic feminism that avoids perpetrating epistemic injustice of any type requires bridging the interpretive gap among groups of women occupying various positions of social power, without unfairly burdening those who already face the many types of epistemic injustice. However, bridging this gap does not mean totally eradicating differences in order to achieve an even playing field upon which successful communication may take place. But I do want to return to the notion of reciprocity, as articulated earlier by Hornsby. Fundamentally, I want to emphasize the importance of reciprocity in dialogue amongst feminists of various backgrounds. In this sense, I am in agreement with Lugones and Spelman, who write, “Our suggestion in this paper, and at this time it is no more than a suggestion, is that only when genuine and reciprocal dialogue takes place between ‘outsiders’ and ‘insiders’ can we trust the outsider’s account” (1983:577). However, like Lugones and Spelman, I acknowledge that what this reciprocity might look like is itself a complicated matter: “If white/Anglo women and women of color are to do theory jointly, in helpful, respectful, illuminating and empowering ways, the task ahead of white/Anglo women because of this asymmetry, is a very hard task. The task is a very complex one. In part, to make an analogy, the task can be compared to learning a text without the aid of teachers” (1983:580).

But ultimately, Lugones and Spelman suggest:

[T]he motive of friendship remains as both the only appropriate and understandable motive for white/Anglo feminists engaging in the task [of joint theory], then you will be moved to attain the appropriate reciprocity of understanding that will enable you to follow us in our experiences as we are able to follow you in yours. (1983:581)

In a later paper, Lugones describes this practice of following one another in each other’s experiences as “world travelling”:

One can “travel” between [...] “worlds” and one can inhabit more than one of these “worlds” at the very same time. I think that most of us who are outside the mainstream of, for example, the U.S. dominant construction or organization of life are “world travellers” as a matter of necessity and of survival. It seems to me that inhabiting more than one ‘world’ at the same time and ‘travelling’ between “worlds” is part and parcel of our experience and situation. (Lugones 1987:10-11)

As Lugones notes, “world travelling” is often a necessity for women of color, but she promotes it as a practice that women of all backgrounds ought to undertake in a loving manner. The question remains how White feminists are to travel to the worlds of women of color without repeating unjust imperialistic practices. Though I admit I have no concrete suggestions at this time, I maintain that reciprocity is indeed the goal (in both the narrower linguistic sense and the broader ethical sense), so that silencing of all types that we have considered here will be avoided.

Conclusion

In this paper, I have attempted to show how silencing, as locutionary disablement, can arise in cases of hermeneutical injustice. In doing so, I highlighted a criticism of Fricker’s account of hermeneutical injustice—that is, the problematic notion that exclusion from the dominant hermeneutical framework harms an individual by obscuring self-understanding. It is the case that, as a matter of historical, political, and philosophical practice—as we see in the case of the white supremacy as illustrated in *The Racial Contract*—groups have been deliberately and perpetually excluded from the dominant hermeneutical framework. These marginalized groups are certainly victims of hermeneutical injustice, because they have been excluded and dehumanized in this epistemic manner; but they do not necessarily suffer from a lack of self-understanding, because they have their own hermeneutical frameworks within which they operate. That these frameworks are not generally recognized as legitimate or intelligible by the dominant power leads to the marginalized groups’ being locutionarily disabled from

participating in communication across groups and as such, these marginalized groups are subjected to a third type of epistemic injustice—the epistemic injustice of interpretive burden—in their struggle to make themselves understood.

In order to confront, and hopefully eliminate such injustice, deliberate efforts must be made on the part of the dominant group to bridge the interpretive gap between hermeneutical frameworks—perhaps efforts aimed at something like the notion of world-traveling—or “knowing the other’s ‘world’”—as suggested by Lugones: “Without knowing the other’s ‘world,’ one does not know the other, and without knowing the other one is really alone in the other’s presence because the other is only dimly present to one” (1987:18). *Knowing* the other is essential, because what is at stake in epistemic injustice is one’s very humanity in their capacity as a knower.

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