

ARTICLE

# One Too Many: Hermeneutical Excess as Hermeneutical Injustice

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(Received 20 February 2021; revised 14 July 2021; accepted 14 September 2021)

## Abstract

Hermeneutical injustice, as a species of epistemic injustice, is when members of marginalized groups are unable to make their experiences communicatively intelligible due to a deficiency in collective hermeneutical resources, where this deficiency is traditionally interpreted as a lack of concepts. Against this understanding, this article argues that even if adequate concepts that describe marginalized groups' experiences are available within the collective hermeneutical resources, hermeneutical injustice can persist. This article offers an analysis of how this can happen by introducing the notion of hermeneutical excess: the introduction of additional concepts into collective hermeneutical resources that function to obscure agents' understanding of the lived experiences of marginalized groups. The injustice of hermeneutical excesses happens not due to hermeneutical marginalization (the exclusion of members of marginalized groups from the construction of hermeneutical resources), but rather from hermeneutical domination: when members of dominant groups have been inappropriately included in the construction of hermeneutical resources. By taking as exemplary cases the concepts of "reverse racism" and "nonconsensual sex," this article shows how such excesses are introduced as a kind of defensive strategy used by dominant ideologies precisely when progress with social justice is made.

The ability to understand one's own lived experiences and to make these experiences understandable to others is crucial to our functioning as epistemic agents, and crucially dependent on the concepts available in one's epistemic community. Hermeneutical injustice, as one species of epistemic injustice, is the phenomenon wherein members of marginalized groups are unable to make their experiences communicatively intelligible due to the fact that the collective conceptual resources are deficient, where this deficiency is caused by the operation of identity prejudices. Most straightforwardly, this deficiency is interpreted as an absence of concepts that appropriately describe the lived experiences of marginalized groups (Fricker 2007).

Recently, though, this picture of hermeneutical injustice has been complicated. One complication arises when we consider that the hermeneutical resources for the

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marginalized and the dominant often diverge.<sup>1</sup> For example, some have argued that the absence of concepts need not be wholesale: sometimes, marginalized groups suffer a hermeneutical injustice<sup>2</sup> even when they have adequate concepts to describe their experiences, yet these subversive concepts are not taken up by dominant groups and are therefore not subsumed within collective hermeneutical resources (Mason 2011; Medina 2012; Pohlhaus 2012). Much of this literature stresses the important point that we need to be careful not to underestimate the ability of members of marginalized groups to understand their own experiences and construct their own hermeneutical resources regarding them, as well as the ability of dominant groups to be resistant to accepting these subversive resources. Another complication arises when we consider concepts that aptly describe the experiences of marginalized groups and are available within the collective hermeneutical resources but are nevertheless systematically misapplied because of the operation of social myths corrupting their understanding (Jenkins 2017).

Despite the traditional understanding of hermeneutical injustice as absence, each of these complications makes the important point that marginalized groups can still struggle to make their experiences communicatively intelligible *even when* concepts that aptly describe their experience exist. While this article agrees with this basic point, it offers a novel understanding of how this can happen. I argue here that even if apt concepts are available—even within the collective hermeneutical resources—hermeneutical injustice can persist due to what I term *hermeneutical excess*: the introduction of additional concepts into collective hermeneutical resources that function to obscure agents' understanding of the lived experiences of marginalized groups. As a result, marginalized agents are either unable to accurately understand their experience, or are unable to effectively communicate it to dominant groups. This happens not due to hermeneutical marginalization (the exclusion of members of marginalized groups from the construction of hermeneutical resources), but from what I term *hermeneutical domination*: when members of dominant groups have been inappropriately included in the construction of hermeneutical resources.

This article proceeds as follows. Section I offers a closer reading of Fricker's notion of hermeneutical injustice, as well as wider structural understandings of epistemic injustices done to a community's interpretive resources. In section II, I consider two cases of hermeneutical injustice that are not the result of hermeneutical gaps: "reverse racism" and "nonconsensual sex." Using these two cases, in section III, I build on a rich literature that expands the notion of the kind of epistemic injustice done at the level of our concepts by offering an analysis of one strand of it that is missing: hermeneutical excess. I close in section IV by considering some broader lessons hermeneutical excess teaches us about hermeneutical injustice, particularly with respect to what hermeneutical justice would look like.

## I. Epistemic Injustices in Interpretive Resources

In *Epistemic Injustice: Power and the Ethics of Knowing*, Miranda Fricker begins her introduction of the concept of hermeneutical injustice<sup>3</sup> by noticing the fact that "the powerful have an unfair advantage in structuring collective social understandings," and that, consequently, the powerful or dominant have adequate understandings of their experiences whereas the marginalized do not of their experiences (Fricker 2007, 147). The cause of this, she argues, is the unfair exclusion of members of marginalized groups from participating in practices that generate social meaning, which she terms hermeneutical marginalization, which ultimately results in hermeneutical "gaps" or

“lacunas.” Fricker’s well-known case of the concept “sexual harassment” demonstrates these features of hermeneutical injustice: before the existence of the term, women were unable to adequately make their experience intelligible precisely because there was no term that adequately described it—the closest concept being “flirting,” which was clearly inadequate (Fricker 2007, 149–50). Women suffered an injustice because of it: owing to identity prejudices, they were unfairly excluded from the social institutions that are responsible for constructing such concepts: academia, law, business. It is a distinctly epistemic injustice, because they were wronged in their capacity as knowers: suffering a “cognitive disablement” by being unable to understand their own experience, they consequently were unable to effectively communicate to others their experience, and were thereby barred from participating in the spread of knowledge.

Of course, Fricker’s work on hermeneutical injustice has since been criticized in a number of ways. One criticism of importance here is the fact that oftentimes, the failure of understanding that Fricker attributes to members of marginalized groups is not theirs, but rather is located within members of dominant groups. Rebecca Mason, Gaile Pohlhaus, and Nora Berenstain all argue instead that what is more common is that marginalized communities have adequate conceptual resources to understand their own experiences, but these concepts fail to become integrated into dominant or collective (that is, shared) hermeneutical resources (Mason 2011; Pohlhaus 2012; Berenstain 2020).<sup>4</sup> This happens especially clearly in cases of motivated ignorance, where dominant groups resist the hermeneutical resources created by marginalized communities through which they understand their own experiences (Mills 1997; Mason 2011; Pohlhaus 2012). The injustice, then, is one of uptake of suitable conceptual resources, rather than a failure of understanding of one’s own experiences as marginalized.

Another criticism comes by way of very recent literature theorizing structural kinds of epistemic injustices, specifically gaslighting. In “White Feminist Gaslighting,” Berenstain introduces the notion of structural gaslighting as “when conceptual work functions to obscure the nonaccidental connections between structures of oppression and the patterns of harm they produce and license” (Berenstain 2020, 733). She then uses this framework to argue that Fricker’s own analysis of “sexual harassment” as an instance of hermeneutical injustice is an instance of structural gaslighting because of how it entirely excludes the contributions of Black feminists and the lived experiences of working-class women of color, and therefore harms them.

Theorists have also introduced the notions of racial gaslighting (wherein resistance to white-supremacist ideologies is pathologized) and cultural gaslighting (wherein an entire culture’s confidence in their own worldview is put in doubt by another culture) as types of structural gaslighting (Davis and Ernst 2019; Ruíz 2020). Similarly, Elena Ruíz introduced the notion of *hermeneutic violence* as “when violence is done to structures of meaning and interpretation, such as language” (Ruíz 2019, 238). In both analyses—of cultural gaslighting and hermeneutic violence—the epistemic resources of the marginalized are deteriorated, eliminated, and replaced with inferior epistemic systems in order to maintain domination. As Ruíz notes, these structural forms of epistemic injustice regarding collective hermeneutical resources are in the service of cutting off means of resistance and reparations, especially material ones in the case of the kind of cultural gaslighting crucial for colonial projects (Ruíz 2019; 2020).

Importantly, common to all of this work on the kind of epistemic injustice existing at the level of our conceptual resources, especially hermeneutical injustice, is that there is a *gap* or *lack* in collective hermeneutical resources, and this gap is because of the wrongful *exclusion* of members of marginalized groups from the construction of hermeneutical

resources. One person who has recently challenged this picture is Arianna Falbo. She argues that the “lacuna-centered” approach to conceptualizing hermeneutical injustice is mistaken, arguing that we must also pay attention to the way in which concepts are operationalized within a social milieu more broadly. More specifically, she points to cases of what she calls “hermeneutical clash” wherein background oppressive practices and ideologies create failures of application of existing hermeneutical resources because of their conflict with oppressive concepts (Falbo 2022).<sup>5</sup> For example, in the Brock Turner case, many people failed to adequately apply the concept “rapist” to Turner due to the practice “himpathy”; he was instead conceived of as a “golden boy.”

The point that concepts are interconnected and affect one another is sorely under-investigated as it relates to hermeneutical injustice. In what follows, I continue such an investigation by offering an analysis of a novel form of epistemic injustice at the level of our conceptual resources framed within the notion of hermeneutical injustice,<sup>6</sup> wherein marginalized groups are unable to make an important aspect of their lived experience communicatively intelligible, not due to the absence of suitable interpretive resources, but rather due to the creation of *too many* concepts. More specifically, these concepts purport to describe phenomena that exist but that in fact don't. These superfluous concepts are particularly nefarious, not just because they function to obscure agents' understanding of social reality, but because they are a backlash to social-political progress, created by oppressive ideologies as a defensive strategy precisely to negate such progress.<sup>7</sup> Thus, I argue that the issue of hermeneutical excess isn't because of hermeneutical marginalization, but rather from dominant groups having *too much* power in the creation of hermeneutical resources, or as I call it, hermeneutical domination. I start, in the next section, by looking at two such superfluous but nevertheless noxious concepts: “nonconsensual sex” and “reverse racism.”

## II. “Nonconsensual Sex” and “Reverse Racism”

“Reverse racism” describes the idea that white people experience racial discrimination in virtue of their race in the same way that people of color do. This notion received increased attention after Abigail Fisher filed a lawsuit against the University of Texas Austin that reached the Supreme Court. Her complaint? That the university's affirmative action policy used her status as a white person against her to deny her admission. As Victoria Massie notes, Fisher's thinking is regrettably not abnormal (Massie 2016). Research done by the Public Religion Research Institute in 2016 revealed that 49% of Americans think that discrimination against whites is as serious an issue as discrimination against people of color, including 57% of white people. In the same year, the Robert Wood Johnson Foundation found that 55% of white people believe that white people are discriminated against as white (Gonyea 2017). Since then, attitudes have sadly stayed pretty much the same. The Pew Research Center's “Race in America 2019” survey found that 14% of white people think Black people are prejudiced against them, but only 6% of white people think that white people are prejudiced against Black people (Horowitz 2019). As Michael Harriot notes, this means that “there are twice as many whites who believe in *reverse racism* than there are who believe in *regular racism*” (Harriot 2019).

Sadly, these beliefs regarding the existence of reverse racism go hand-in-hand with misunderstandings of the reality of racism, for the Pew Research Center also found that the majority of white people think that people believe things to be racist when they aren't, and don't think that being white has advantaged them. Additionally, white people are far less likely than Black people to say that the obstacles Black people

face are discrimination and institutional exclusion—in fact, the majority don't believe that there is voter or hiring discrimination against Black people—with about half of white people believing that it is rather due to family instability and bad role models.<sup>8</sup>

Importantly, the connection between a belief in the existence of reverse racism and false beliefs about the nature of racism itself seems strong. The result of a person accepting the existence of reverse racism is that they end up lacking conceptual competence with respect to racism, as they would either identify things as racist when they are not (Fisher and her claim about affirmative action), or they would be unable to correctly identify actual instances of racism as such (the denial that police killings of unarmed Black people are racist). If one believes that white people are discriminated against because of their race, then of course one would think that whiteness is a social disadvantage, and that the things commonly claimed to be the source of racism against people of color—like institutional discrimination—don't actually happen. Of course, these are just some of the central tenets of what racism is: that it negatively affects people of color, that whiteness is a privilege that unfairly advantages whites, and that racism most seriously shows up in institutions like housing and voting.

Importantly, an accurate understanding of racism cannot exist alongside an uptake of the illusory notion of “reverse racism.” On its most general understanding, racism is a system of structural disadvantages that people of color experience because of their racial identity as persons of color. On this understanding, whatever disadvantages white people suffer, they are not systematic, and they are not because of their racial identity as white. White people may be stereotyped or disliked, but they are not systematically disadvantaged in society; rather they are systematically advantaged because of their race. If this is right, this goes to show that making room in our conceptual resources for the notion of “reverse racism” as something that in fact exists actually corrupts understanding of what racism itself is. Instead of understanding it as a structural phenomenon, people come to understand it as something like personal negative attitudes (for example, hatred) people have of certain racial groups, or as individual events cut off from patterns where people are not given goods that others are given (for example, affirmative action policies). On this understanding of racism, there can be racism against whites: it would require solely that some people do not like white people, or that white people are not given goods like affirmative action programs that persons of color are able to receive. Likewise, on this understanding, things that are commonly claimed as aspects of racism against people of color also do not exist: institutional racism can and often does exist outside of any particular people having negative attitudes of hating persons of color. On this understanding of racism, it both isn't as widespread and isn't as bad as most people of color make it out to be, becoming something that whites and persons of color experience almost equally. With these false understandings of what racism is actually like, a white-supremacist ideology is strengthened.<sup>9</sup>

Unfortunately, “reverse racism” isn't the only term that is problematic in this way and has received recent attention. In her piece for the *New York Times* column “The Stone,” “There Is No Such Thing as ‘Nonconsensual Sex.’ It's Violence,” Kelly Oliver argues that serious issues surround the use of the term *nonconsensual sex* (Oliver 2016). They explain that the term has recently been taken up by colleges, particularly within the administrative branch of colleges, in their dealings with sexual assault on college campuses. Here, it is defined as sexual activity between persons where one of those persons is unconscious or semiconscious. The reason for the adoption of such a term? It allows such actions to be categorized as something other than rape, and therefore charged not as a felony, but rather an honor-code violation akin to cheating.

Oliver discusses many issues with this creative recategorization of sex without consent as something other than rape. Of particular interest to us here is the way in which the term *nonconsensual sex* muddles the understanding of what rape is and isn't. Oliver notes this when speaking of the rape case in Steubenville, Ohio, where one of the perpetrators stated, "It isn't really rape because you don't know if she wanted to or not." Here, we are to think that there are different kinds of sex without consent: rape and nonconsensual sex, where rape requires a person to explicitly express that they do not want to engage in sexual activity while nonconsensual sex is when a person neither gives explicit consent nor this type of explicit "no." Moreover, although it may not be the ideal case, nonconsensual sex is still a kind of sex, rather than a kind of violence perpetrated against another person, like rape or assault. As the difference in punishments for it and rape make clear, nonconsensual sex is bad, but not *as* bad as rape.

The problem with all of this, of course, is that it is false. As Oliver notes in her title, sexual activity without consent isn't sex. This is a miscategorization. It is rape, a kind of violence. Moreover, as Oliver persuasively argues, the concept of nonconsensual sex promotes toxic assumptions about the nature of consent, minimally that the absence of an explicit "no" is a license to sexual activity, or worse that a lack of negative consent qualifies as affirmative consent. Importantly, with the adoption of these inaccurate understandings of consent, our understanding of the concept of rape suffers. Again, under the incorporation of nonconsensual sex as something distinct from rape, we come to understand rape as only cases where people give explicit negative consent. In this way, it is not only as though the concept "nonconsensual sex" introduces a phenomenon that doesn't exist, like "witch"; rather, it affects our understanding of other concepts that do pick out real, existing phenomena. It is not just that we are likely to identify things as nonconsensual sex that aren't; it's also that we are likely to *not* identify things that *are* rape as rape. These conceptual errors aren't just cognitive mistakes. Insofar as these mistaken assumptions about consent are perpetuated by the use of the concept "nonconsensual sex," the use of the concept functions to promote a misogynistic ideology.

Like the notion of "nonconsensual sex," the concept of "reverse racism" isn't just a belief in something that *does not* exist, but most noxiously smuggles in false beliefs about what in fact *does* exist, what the world is actually like. As previously stated, one cannot have an adequate understanding of real phenomena (rape, racism) alongside acceptance of concepts that present themselves as describing real phenomena but in fact don't. Since these pairings of terms describe incompatible realities, acceptance of one causes one to lose understanding of the realities of the world their paired term in fact describes, either by giving up belief in the reality of the apt concept entirely, or by corrupting the meaning of the apt concept so as to make room for its existence alongside the sham concept, thus undermining conceptual understanding. Moreover, insofar as these sham concepts have uptake in the epistemic community more broadly, marginalized groups will be unable to make their experiences communicatively intelligible, especially to dominant groups. In the next section, I put this understanding of the concepts of "non-consensual sex" and "reverse racism" to work in offering an analysis of what I argue they are instances of: a species of hermeneutical injustice I term *hermeneutical excess*.

### III. Hermeneutical Excess

Returning to the literature on hermeneutical injustice that has come out since Fricker introduced the notion, we can take away a few important lessons on what hermeneutical



injustice essentially is. One lesson is that it can persist even when apt hermeneutical resources exist (Mason 2011; Pohlhaus 2012; Jenkins 2017). In this way, as Charles Mills persuasively argues, the core issue is not solely that our epistemic system is deficient, but rather *distorted* in some way (Mills 1997). Together, these lessons point to the core problem that hermeneutical injustice is concerned with: communicative unintelligibility that marginalized groups suffer, whether this is due to their failure to understand their own experiences as marginalized or from the dominant failure to understand their experiences as marginalized. As is shown with the cases in the previous section, this failure in understanding can either be because our hermeneutical resources are deficient in lacking concepts that adequately capture the reality of the world, or because they are corrupted by having concepts that function to obscure our understanding of the reality of the world. On this view of hermeneutical injustice, our collective hermeneutical resources are like a mirror that reflects the world back to us: either the mirror is too small, reflecting back only a partial view of the world focused on the most powerful, or the mirror is a fun-house mirror, warped and thereby reflecting back to us a distorted picture of what is actually there. While the former is an analogy for hermeneutical injustice as hermeneutical gaps, the latter is an analogy for concepts like “nonconsensual sex” and “reverse racism,” concepts whose existence functions to obscure understanding of other concepts that adequately capture an experience (“rape,” “racism”).

Importantly, these adequate concepts *already exist*. So, if there is an issue of communicative unintelligibility found here, it cannot be due to a gap.<sup>10</sup> Instead, our analysis of how these terms function in relation to apt, previously existent concepts like “rape” and “racism” coupled with the overall lessons learned from recent literature on hermeneutical injustice provide a picture in which hermeneutical injustice does not solely take the form of conceptual gaps, but also conceptual excesses, concepts that exist in our collective hermeneutical resources but that fail to aptly describe any real phenomena in the world. Situated within this latter type of hermeneutical injustice is what I term *hermeneutical excess*:

A proliferation of concepts that fail to pick out real phenomena, which function to perpetuate dominant ideologies and systems of oppression by means of obscuring understanding of marginalized groups’ experiences (especially among the dominant), for which apt concepts already exist.

As a type of hermeneutical injustice, its epistemic harm consists in rendering marginalized groups’ experiences communicatively unintelligible. As Trystan Goetze argues, this can be either due to cognitive harms as a lack of understanding of their own experiences that members of marginalized groups suffer, or as a communicative harm as an inability to effectively communicate their understandings of their own experiences to dominant groups or otherwise have this understanding taken up within collective hermeneutical resources; with respect to the latter, the failure of understanding is located within the dominant (Goetze 2018). Hermeneutical excesses can function to harm in both of these ways, although as will be discussed in further detail below, it is often by means of the dominant’s failure of understanding rather than the marginalized’s failure to understand their own experiences.

First, hermeneutical excesses, in their obfuscation, can undermine agents’ ability to form true beliefs about both the evaluative and nonevaluative aspects of marginalized groups’ experiences. We can see both of these dimensions through our cases of

“nonconsensual sex” and “reverse racism.” With regard to the nonevaluative, both terms function to promote false notions about what type of phenomenon the experience is an instance of: in the case of “nonconsensual sex,” that it is a type of sex rather than a type of violence; in the case of “reverse racism,” that it is a type of racism rather than a type of negative personal attitude or matter of corrective justice. But as others have importantly noted, misunderstandings of experiences can also center around the evaluative character of the experience: whether it is good or bad, right or wrong (Jackson 2018; Maitra 2018). Again, we see this kind of misunderstanding promoted through adoption of these terms: that “nonconsensual sex” isn’t as bad as rape or sexual assault, and that “reverse racism” is just as bad as racism (as well as that the lived experiences of people of color aren’t really as bad as they may claim). Importantly, these misunderstandings can happen precisely because systems of domination encourage the marginalized to not call their experiences what they in fact are.

Although these misunderstandings could be had by either the dominant or marginalized, the epistemic harm could persist despite members of marginalized groups suffering from neither of these types of misunderstandings about their own experience. Instead, the more likely case with hermeneutical excesses is that the issue could be located as a communicative harm, as an inability to effectively communicate their aptly understood experience to others, especially the dominant. How might this happen? One possibility is that the marginalized have adopted communicative styles that are unfamiliar to the dominant, which they therefore take as reasons to doubt their credibility (Fricker 2007, 160). However, an additional explanation, which many others have noted, is that although both the marginalized and the dominant are epistemically harmed by hermeneutical injustice by coming to adopt misunderstandings, it *benefits* the dominant to have such misunderstandings (Mills 1997; Mason 2011; Pohlhaus 2012). This means that the dominant have a vested interest in *not* understanding the experiences of the marginalized. As Pohlhaus argues, it is not in the interests of the dominant to understand and use concepts that adequately capture marginalized groups’ experiences, since having a proper understanding would take away their power and make clear to them the privileges they enjoy at the cost of the injustices the marginalized suffer (Pohlhaus 2012). In other words, gaining an adequate understanding of marginalized groups’ experiences would threaten the stability of the social hierarchy that is the source of the benefits the dominant enjoy as dominant. That dominant groups’ interests affect which concepts we create and use is not new.<sup>11</sup> Mills notes the various ways in which whites’ group interests have determined the conceptual frameworks adopted and, as a result, even their perceptions of reality in order to maintain their ignorance: for example, the use of “empty” by colonizers to describe lands labored over and shaped by indigenous people (Mills 2007). Speaking in particular on how white ignorance works through conceptual frameworks, he states,

whites generally see blacks’ interests as opposed to their own. Inevitably, then, this will affect white social cognition—the concepts favored (for example, today’s “color blindness”), the refusal to perceive systemic discrimination, the convenient amnesia about the past and its legacy in the present, and the hostility to black testimony on continuing white privilege and the need to eliminate it to achieve racial justice. (Mills 2007, 35)

Given this explanation of the strong tie between dominant groups’ interests and the conceptual frameworks adopted, our understanding of hermeneutical excesses becomes



even more nefarious: for now, the possibility that such excesses are mere oversights—a possibility that is open as an explanation for the existence of hermeneutical gaps—is cut off. With hermeneutical gaps, one can reference the fact that hermeneutical resources are not constructed at once, but rather over time; because of this, one could claim innocence by appealing to the possibility that any lack of adequate concepts is a mere oversight, as something the collective just hasn't gotten around to constructing yet. However, with hermeneutical excesses, apt concepts *already exist* in the collective hermeneutical resources. The construction of these new concepts, then, *must* be motivated. This, of course, isn't to say that such construction is conscious or intentional; one can harm without being aware of doing so. Rather, it is to say that it cannot be denied that such construction is in the service of furthering dominant groups' interests. Most plausibly, it is motivated to achieve a certain function: to maintain such systems of oppression—to maintain the status of the dominant as dominant—typically by sustaining or promoting pernicious ideologies.

How exactly do hermeneutical excesses function to maintain dominant ideologies and social power? To see this, we should return to our two examples: "reverse racism" and "nonconsensual sex." Remember here that apt concepts that describe the experiences of the marginalized as oppressed already exist in cases of hermeneutical excess. Importantly, one aspect of hermeneutical excess to note is that unlike cases of structural gaslighting and hermeneutic violence, the adequate conceptual resources remain in existence. So, unlike structural gaslighting and hermeneutic violence—which also have as their goal the maintenance of dominant ideologies and social power—hermeneutical excess does not achieve these by means of disposing of concepts that reveal the reality of these ideologies as systems of oppression. Rather, we can see how hermeneutical excesses achieve this shared goal by looking to the interplay between these excesses and the apt concepts. Here, as in the cases of "reverse racism" and "nonconsensual sex," these excesses work to sabotage their associated concepts of "racism" and "rape," not by writing them out of existence or replacing them entirely within the collective interpretive resources, but rather by sabotaging the collective—especially the dominant's—understanding of the associated apt concepts that describe the experiences of oppression of the marginalized. More specifically, this sabotage of conceptual understanding typically takes place on the level of application of these concepts and their associated excesses to specific, concrete instances of them in the actual world. In this way, although these apt concepts that describe facets of domination like "racism" and "rape" aren't eliminated from the collective interpretive resources, they nevertheless suffer a kind of practical extinction such that they exist only in theory. In this way, institutions and social mechanisms that function to maintain systems of oppression and dominant ideologies are concealed as such, rewritten as innocuous (as in the case of "nonconsensual sex"), or, worse yet, as functioning against dominant interests (as in the case of "reverse racism"). Dominance is maintained through the use of hermeneutical excesses by writing out of the vision of the actual world the existence of instances and occasions of oppression. Things like rape and racism *could* happen—they are in theory possible—but in fact, they don't.

In this way, we can understand the functioning of hermeneutical excesses as a kind of defensive strategy within systems of domination that provides dominantly situated agents and institutions with plausible deniability of their domination. What is noteworthy here is that the plausible deniability works to allow the dominant to maintain their social position and existing power structures not by means of brute force, but rather on grounds of legitimacy, appeals to innocence, and even feigned sympathy with and

acceptance of the marginalized and their experiences. In utilizing hermeneutical excesses, the dominant don't outright deny the experiences of the marginalized as marginalized: for again, they maintain that, for example, racism and rape do exist (at least *in theory*). Rather, they only deny that for any specific case it is an instance of racism or rape. This constructs a view of the dominant as playing fair and even trying to be cooperative with the marginalized in understanding and interpreting social realities of the world: they aren't debating or denying that systems of oppression exist per se, but merely that this is an instance of what they look like. These problems exist, only anywhere but here.

Because of this, hermeneutical excesses like "nonconsensual sex" and "reverse racism" serve to undermine resistance to dominant ideologies precisely by undermining the *need* for resistance to begin with: things just aren't really as bad for marginalized people as one may think, and are in fact worse for the dominant. As with structural gaslighting, hermeneutical excesses function to obscure social reality; not by concealing it—the oppressive parts of it are left in view—but rather by mangling and distorting it beyond recognition as something that morally and politically demands any kind of change to the status quo. Important to note is that, as in the case of cultural gaslighting, hermeneutical excesses also function to maintain systems of oppression materially, benefitting the dominant by having them escape moral condemnation and practical punishments. Most obviously, we can see this in terms of felony charges in the case of "nonconsensual sex," and legal reparations or other corrective measures like affirmative action in the case of "reverse racism." These cases show the further practical harms of hermeneutical excesses, most notably that one can suffer material harms in the same way that hermeneutical gaps like "sexual harassment" cause.

Regardless of the way in which one experiences the harm of communicative unintelligibility, hermeneutical excesses maintain the moral wrong of hermeneutical injustice: one is wronged in their capacity as a knower. As with hermeneutical gaps, this manifests in an unfair inability to contribute to the generation and spread of knowledge in the wider epistemic community. Of course, to be an injustice rather than a circumstantial case of being unlucky, this wrong needs to be caused by identity prejudice. Fricker cashes out this operation of identity prejudice as hermeneutical marginalization: where members of marginalized groups are unfairly excluded from participation in practices that generate hermeneutical resources, resulting in "unequal hermeneutical participation with respect to some significant area(s) of social experience" (Fricker 2007, 153). Moreover, she notes that this exclusion is coerced, and a matter of subordination (155).

However, marginalization as exclusion does not seem to be how identity prejudice operates in the case of hermeneutical excesses. This is because insofar as there already exist in the collective hermeneutical resources concepts that aptly capture the experiences of marginalized groups, we can conclude that marginalized groups have plausibly been able to participate in the generation of hermeneutical resources.<sup>12</sup> Rather, insofar as we also know that the reason these excesses come to be is that the dominant have a vested interest in maintaining a communicative unintelligibility about marginalized groups' experiences in order to maintain systems of oppression and dominant ideologies, we can conclude that the issue is that the dominant have been allowed *too much* participation in the creation of concepts that concern the experience of the marginalized. The issue is not one of marginalization, but of domination. Importantly, this kind of domination is still consistent with the understanding of hermeneutical injustice that Fricker gives as a phenomenon wherein "the powerful have an unfair advantage in

structuring collective social understandings,” for their influence in the construction of hermeneutical resources in the case of hermeneutical excesses is still an advantage, and still unfair (Fricker 2007, 147). And it is still due to the operation of identity prejudice. This is because identity prejudices can not only operate negatively by hindering an agent, but also operate in a positive way by favoring them.<sup>13</sup> I call this way that the dominant are allowed an inappropriate amount of influence in the construction of hermeneutical resources *hermeneutical domination*.<sup>14</sup>

Ultimately, hermeneutical domination is an aspect of what Iris Marion Young calls “cultural imperialism,” a means of controlling cultural narratives and social meanings (Young 1990). More specifically, cultural imperialism is when the experiences of the marginalized are rendered invisible while at the same time marginalized groups are stereotyped and marked as the Other. We can understand the traditional understanding of hermeneutical injustice as gaps as describing one way in which cultural imperialism achieves its goal of rendering the experiences of the marginalized invisible: they simply do not exist, neither in theory nor reality. However, hermeneutical excesses work slightly differently, creating a different sense of invisibility. What is made invisible is not the kind of phenomenon they are describing—these concepts do exist in the collective hermeneutical resources—but rather their actual experiences as being *of* that kind of phenomenon. This goes some way to show that the dominant can enforce control of social meanings and broader cultural narratives in multiple ways. In the case of hermeneutical excesses, it is both by controlling which concepts are put into the collective hermeneutical resources (by introducing additional concepts), and by controlling how such concepts in the collective hermeneutical resources are applied, applying some too little and some too much.

I hope that these remarks go some way in moving us toward a more nuanced and complicated view of hermeneutical injustice. One offered by Falbo is to distinguish between positive and negative types of hermeneutical injustice, wherein the negative kind pertains to the traditional gap-centered approach, and the positive kind “results from the presence of oppressive and distorting concepts that crowd out, defeat, or preempt the application of an available and more accurate concept” (Falbo 2022, 354). While excesses may be a subset or one type of positive hermeneutical injustice, it is important here to remember that they present themselves as describing features of reality that in fact don’t exist, and that their harm is much further-reaching than merely causing failures of applications of apt terms: they also erode understanding of apt terms, thus undermining understanding of marginalized groups’ experiences, and negating social-political progress previously achieved.

#### IV. Hermeneutical Justice

Armed with an expanded understanding of hermeneutical injustice that includes the notion of hermeneutical excess, we should now turn to the question of what hermeneutical justice looks like with respect to this particular type of hermeneutical excess. Although there is not space here to fully address this question, I will attempt to sketch some possible avenues of redress. To start, let’s consider the proposals for hermeneutical justice that have so far been put forth as solutions to the problem of hermeneutical gaps.

When proposing the virtue of hermeneutical justice, Fricker argues that it should take many particular forms (Fricker 2007, 169–72). These include having a kind of “alertness or sensitivity” to the fact that why someone may have a hard time communicating their experience isn’t because of their own faults but rather from a gap in hermeneutical resources. Concretely, this amounts to adjusting the speaker’s credibility

upward, or at least reserving judgment on the matter. It also includes taking proactive measures like seeking out corroborating evidence for what the speaker is reporting, and being in dialogue with the speaker to work toward generating new social meanings. Fricker does admit that ultimately, since the cause of hermeneutical injustice is the existence of unjust social hierarchies, what is required is collective political action that seeks to change these hierarchies (174). In a similar vein, Goetze cites Elizabeth Anderson's suggestion that hermeneutical injustice requires a structural remedy of integration, having all social groups participate equally in the epistemic practices that generate social meanings (Goetze 2018; see Anderson 2012). Setting aside the foundational strategy of focusing on changing the social hierarchies themselves, we can see one general strategy emerge that targets hermeneutical injustice understood as hermeneutical gaps. Namely, this is aimed at undoing hermeneutical marginalization: increasing the inclusivity of marginalized groups in the epistemic practices that create social meanings so that, ultimately, new social meanings will be created to fill in the gaps.

This strategy seems like the obvious solution. However, it is only the most plausible one when hermeneutical injustice is understood as pertaining solely to hermeneutical gaps. When attention is shifted to the issue of hermeneutical excess, this solution is ill-fitting. For one thing, hermeneutical excess shows that simply *adding* more concepts to the collective resources doesn't just fail to improve things, but can actually make the injustice *worse*. This goes to show that achieving hermeneutical justice also requires that concepts created are sometimes treated suspiciously; more concretely, that concepts that concern marginalized experiences but that are put forth by members of dominant groups are scrutinized more closely. Likewise, since the problem isn't one of exclusion, the solution isn't one of inclusion. Rather, hermeneutical excess makes clear the need to further police who gets access to the construction of our conceptual resources, as an open-access policy to our practices that construct social meaning is a dangerous matter. Sometimes, what justice requires isn't solely a matter of letting the marginalized into positions of power, but also of keeping the dominant out of them. This will be a difficult endeavor, however, as the dominant often control who occupies such positions of power.

While the broad strategies sketched so far are preventive measures to be taken against the creation of hermeneutical excesses, there is also a question about how to create hermeneutical justice in a context in which these excesses already exist. Since excesses have been integrated into the collective conceptual resources, one strategy to consider is how to take concepts out of use. However, since excesses are adopted into use largely by the dominant, it is hard to see what the marginalized can do to stop those with social-political power over them from using such concepts in everyday contexts. Nevertheless, one conversational strategy would be one of correction: to call out bad epistemic actors and insist on the use of the apt concept over the excess ones (for example, "you mean rape" or "that's not racism"). Likewise, one could also engage in a way that solidifies instances of oppression when such excesses threaten their understanding as such (for example, "you're right, it doesn't matter how much you had to drink, that was rape"). Pohlhaus describes "echoing" as a similar strategy that the marginalized can use as a form of collective epistemic resistance, wherein they reiterate and reaffirm each other's perspectives (Pohlhaus 2020).

Looking beyond everyday conversations, we should remember that the integration of such excesses into conceptual resources has real practical and material consequences. In the case of "nonconsensual sex" and "reverse racism," one place this happened was at the level of institutions: educational institutions relied on the concept of

“nonconsensual sex” to shield perpetrators of sexual assault from criminal charges, and “reverse racism” was invoked in court hearings on affirmative action policies in an attempt to have members of dominant groups gain educational positions of power and prestige over those of marginalized groups. But, given that these uses were invoked in institutional contexts and targeted codified legal rules, one strategy could be to make it such that such excesses cannot be used in such proceedings. This strategy, though requiring much labor and cooperation with institutions, at least does not require cooperation by those who have adopted such excesses. Falbo notes an additional practice-focused solution to the issue of hermeneutical injustice as it particularly relates to the existence of distorting and oppressive concepts when she argues that the use of social movements is necessary not only to thwart dominant conceptual frameworks but also to facilitate the necessary unlearning of such distorting concepts (Falbo 2022).<sup>15</sup>

However complicated and incomplete as these strategies may seem, there is one additional important wrinkle to note. Remember that I argued that the dominant cannot claim that hermeneutical excesses are a mere oversight or something they simply haven’t gotten around to creating yet as they can in the case of hermeneutical gaps, since apt concepts that describe the experiences of marginalization already exist. This points us to a particular timeline: first, apt concepts that describe experiences of marginalization are created, and then some time later hermeneutical excesses are created (after all, we have to have “racism” as a concept before we can have “reverse racism” as a concept). I argue here that this timeline isn’t coincidental, but rather that we are precisely at risk of suffering the injustice of hermeneutical excess when we have started to achieve social justice at the level of our conceptual resources and broader social institutions. It is precisely when hermeneutical gaps are filled with the creation and uptake of concepts that describe the marginalized’s experiences and are more widely integrated into wider cultural narratives that social justice starts gaining traction. This, however, challenges dominant cultural narratives and systems of oppression. Young notes one way in which the dominant can respond when their cultural narratives are critically challenged by subordinated groups in order to once again secure their position as dominant: by constructing new social meanings of difference and inferiority of Othered social groups (Young 1990). However, I contend here that the creation of hermeneutical excesses is another strategy. The wrinkle here is a kind of Catch-22 of social (in)justice: it is precisely when marginalized groups start to make some way toward achieving social justice, with the creation and integration of concepts that describe their experiences as marginalized into collective hermeneutical resources, that they are most at risk of suffering the injustice of hermeneutical excess, by having their truths be rewritten into something unrecognizable. This goes some way to show that the relationship between constructing alternative cultural narratives and achieving social justice is a fragile one that can easily be thwarted and redirected rather than merely stalled or stopped.

Of course, the strategies sketched and considered here deserve much more attention and consideration, especially by those working on conversational power dynamics, institutional reform, and social movements. Minimally, one overall lesson that hermeneutical excess has to teach us about hermeneutical justice is that more concepts and more inclusivity isn’t always better. As the adage says, sometimes less is more.

## V. Hermeneutical Excess Arises Not Only from Gaps

The notion of hermeneutical injustice is crucial to an understanding of how marginalized groups can be wronged within our epistemic community at the level of our

conceptual resources. However, as this article has argued, the notion is sorely undertheorized within its traditional understanding as hermeneutical gaps when we consider the gross misunderstandings generated by terms like *nonconsensual sex* and *reverse racism*. As argued here, these concepts are examples of a species of hermeneutical injustice termed *hermeneutical excess*: a proliferation of concepts that do not in fact pick out any real phenomena, which functions to perpetuate dominant ideologies by means of obscuring understanding of marginalized groups' experiences, for which adequate concepts already exist. If we understand hermeneutical injustice as solely pertaining to gaps in our conceptual resources due to hermeneutical marginalization, we miss out on a way in which epistemic injustice occurs at the level of our conceptual resources: from hermeneutical excesses due to hermeneutical domination. This type of epistemic injustice is particularly nefarious as it reveals that dominant ideologies utilize reactive defensive strategies to solidify themselves by negating social-political progress already made, for example, by introducing illusory concepts that preserve dominant groups' interests as is the case with hermeneutical excesses. Given these points, the picture of hermeneutical justice is also complicated, as the notion of hermeneutical excess requires it to be a matter of further policing who is allowed access to our practices that generate social meaning, and further scrutinizing newly created concepts. Sometimes, the issue isn't that we are hermeneutically deficient, but rather that we have one concept too many.

**Acknowledgments.** I would like to thank Rowan Bell and Nikki Fortier for written comments on earlier drafts of this article, as well as Jade Fletcher, Alida Liberman, Laura Specker Sullivan, and Valerie Williams for helpful discussion on a very early draft of this article. I am also grateful to attendees at the 2021 Central Division meeting of the American Philosophical Association, where I presented this article at a symposium session. I am perhaps most indebted to my students, as the idea for this article grew out of teaching them. Lastly, I am especially grateful to two anonymous reviewers for this journal, whose charitable and constructive feedback was especially helpful.

## Notes

1 Within this understanding, "collective hermeneutical resources" refers to those that are shared by both groups. See Fricker 2016 for this clarification, as well as Goetze 2018.

2 As these authors stress, "communicatively intelligible" can include either Fricker's notion that the marginalized fail to understand their own experiences, or, as is the case with these authors' arguments and the one made here, that although the marginalized can often understand their own experiences perfectly well, a failure of communication nevertheless persists between the dominant and the marginalized because the dominant fail to understand the marginalized's experiences when they are communicated to them.

3 As will be discussed, it is important to note that although Fricker was the first to introduce this notion of epistemic injustice using the term *hermeneutical injustice*, others—especially Black feminists such as Hortense Spillers (Spillers 2003)—had theorized about the phenomenon earlier. For an extended critique of Fricker's analysis of the phenomenon of hermeneutical injustice as itself a kind of epistemic injustice along these lines, see Berenstain 2020.

4 Berenstain makes this point with respect to "sexual harassment" and working-class Black women specifically (Berenstain 2020).

5 As noted previously, this is very similar to a point raised by Jenkins 2017.

6 I use hermeneutical injustice as a framework for articulating the notion of hermeneutical excess as it is the most widely known framework for understanding the kind of epistemic injustice done at the level of our conceptual resources. Although Kristie Dotson's notion of epistemic oppression is also widely known, epistemic exclusion is a constitutive element of it, and her analysis does not focus on conceptual resources, so is less fitting (Dotson 2014).

7 Although both Falbo and I are concerned with investigating an "overabundance of distorting and oppressive concepts" (Falbo 2022), here I cite some crucial ways in which my theorizing of *hermeneutical excess*



and its wider ideological role differs from Falbo's work on hermeneutical clash. First, "golden boy" describes features of reality that in fact exist, rather than something that does not in fact apply to any aspect of reality. Second, the harm that Falbo focuses on with respect to hermeneutical clashes is that they cause a failure of application of apt concepts in crucial situations dealing with oppression, and thus stall social-political progress. In contrast, with my notion of *hermeneutical excess*, I provide an explanation of why these superfluous concepts exist, why exactly they might cause a failure of application of apt concepts, that there is a misunderstanding of the content of apt concepts and the contours of what this misunderstanding exists in, and argue that they in fact function to undo social-political progress. I continue to clarify additional ways that they are distinct throughout later sections of the article.

**8** Note that these latter beliefs are simply what Tommie Shelby and Charles Mills argue is the contemporary form of racist beliefs (Mills 1997; Shelby 2016, chap. 1).

**9** I expand on the function of hermeneutical excesses within systems of oppression in the next section.

**10** This, of course, isn't to say that no cases of communicative intelligibility are because of hermeneutical gaps.

**11** See also Stanley 2015 for the claim that ideologies maintain their grip on the dominant because the dominants' self-conceptions are tied up in them.

**12** This is not to say that once such excesses are created, their endurance as collective hermeneutical resources cannot be explained by exclusion of members of marginalized groups. It is open to my analysis here that, for example, the reason "reverse racism" persists in our collective resources is that people of color are excluded from platforms that discuss it, thus depriving them of the opportunity to deny its existence.

**13** This is true even on Fricker's definition (Fricker 2007, 27–28).

**14** This is another way in which my work here differs from Falbo 2022, as she does not consider such a phenomenon as what I describe as hermeneutical domination.

**15** Of course, Dotson's work on resilient oblivion shows that the work of unlearning dominant conceptual frameworks is thoroughly complicated, as dominant ideologies can not only construct illusory concepts in the way I have argued in the case of hermeneutical excesses, but can also construct evidence and "truths" with the use of certain epistemic orientations that shield them from moral and political criticisms (Dotson 2018).

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