

# Invisible Ink

## Towards an Understanding of Epistemic Injustice in the Realm of Male Rape

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### *Content Warning*

*This paper contains depictions of [rape/sexual assault/gender violence] that may be upsetting or triggering for some readers. Please proceed with caution.*

The antirape movement started gaining ground with the grassroots consciousness-raising groups of the late 1960s through efforts to bring attention to the pervasive gender violence that women face. The last several decades have seen incredible progress, from redefining the boundaries of rape to drastically increasing awareness and resources for women. Despite these efforts, there remains a gendered landscape within rape recognition that has relegated the experiences of male victims to the sidelines, excluding them from developed resources. In an effort to bring attention to the issue of male rape, I aim to investigate the epistemic harms male victims face in mainstream society in order to paint a clearer picture of their struggle. I argue that the dominant power structure upholds a conception of rape that is socially biased as a means of maintaining hegemonic ideals of masculinity and the dominant power structure; by doing so, male rape victims face converging epistemic injustices—preventing them from receiving proper validation, intelligibly communicating their experiences, and utilizing collective resources developed by communities of marginalized knowers.

Epistemic injustice as a term was coined by Miranda Fricker, in her 2007 book “Epistemic Injustice: Power and the Ethics of Knowing”, and it denoted injustice toward knowers in their very capacity as such. In it, she describes two distinct types of injustice: testimonial, relating to the credibility of a speaker, and hermeneutical, relating to the linguistic tools used to conceptualize and commu-

nicate experiences. Fricker's work is foundational in describing the way that complex power dynamics affect knowers and knowledge production. However, she has faced critique by scholars who claim her concepts are conceptually closed off, preventing a broader account of epistemic injustice that could also recognize how power can operate on even dominant members. One such critic, Kristie Dotson, in her article "A Cautionary Tale: On Limiting Epistemic Oppression", developed the term contributory injustice in conversation with Gaile Pohlhaus Jr's concept of willful hermeneutical ignorance. Contributory injustice aims to bring attention to how dominantly situated knowers may contribute to the oppression of knowledge and knowers by being willfully ignorant of the situated resources developed by marginalized communities. Armed with a cash of terms that address a wider array of epistemic injustices, scholars such as Debra Jackson have begun to explore the way in which systems of power use situated ignorance to oppress certain members of the dominant identity as a means of maintaining control over the whole.

The experience of a male rape victim is often one of distortion and dismissal due, in part, to the way that legal definitions and collective understanding have not allowed space for males to be victims. Commonly held myths about male rape include "men are too strong to be raped"; "men are less affected by rape"; "men can only be raped in prison" or "men can only be raped by other men"; and even "men can't be raped" often because "if they have an erection, it means they want it."<sup>1</sup> While the prevalence of male rape myths is hard to track, some studies have suggested that upward of 33% of the population believe that men cannot be raped by women and even that men cannot be raped at all.<sup>2</sup> These myths are widespread in part due to the legal lexicon's longstanding failure to classify men as vulnerable to such attacks. In fact, until 2013, the Uniform Crime Report's definition of rape only included "forcible male penile penetration of the female vagina."<sup>3</sup> This definition not only reduced rape down to only vaginal penetration, it also entirely omitted the possibility of men as victims, making male rape a categorical impossibility, not even recognized under the legislation. It painted a clear picture of men as perpetrators and women as victims. This does not mean that the rape of men did not occur, simply that it did not "count." It is largely due to feminist antirape efforts that the definition was amended to "the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim."<sup>4</sup> This amended definition allowed for the possibility that men could be victims. However, without sufficient legal or social backing, it is unlikely that a man's experience be informally recognized by others as rape. The adjusted definition was

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1 Scott M. Walfield, "'Men Cannot Be Raped': Correlates of Male Rape Myth Acceptance," *Journal of Interpersonal Violence* 36, no. 13–14 (December 17, 2018), 5.

2 Walfield, "Myth Acceptance," 14.

3 U.S. Department of Justice (DOJ), "An Updated Definition of Rape," modified April 7, 2017.

4 DOJ, "An Updated Definition of Rape."

a necessary change if men were to be recognized as victims, but it was not sufficient to change widespread social preconceptions. Even the adjusted definition requires an act of penetration, “a behavior in which men are expected to engage but women are not.”<sup>5</sup> Changing the legal definition did broaden the space enough that rape was no longer only vaginal and thus men being raped is now able to be recognized as a possibility. Still, it largely forces men into the role of the perpetrator. While it is true that the majority of rapes are carried out by men, both the legal definition and the social construction perpetuate a gendered conception of rape where men are always the aggressors. The inherently biased definitions, combined with the prevalence of myths about male rape, creates an epistemic minefield for male victims attempting to seek recognition for their experiences.

The most immediately apparent form of epistemic injustice indicated by the prevalence of male rape myths is testimonial injustice. Fricker defines testimonial injustice as a credibility deficit caused by an identity prejudice in the listener, “leading to a wrongful undermining of the speaker as a knower.”<sup>6</sup> In other words, when listeners fail to properly validate speakers, due to some prejudice or preconception about a given identity such as gender, the one attempting to give testimony is harmed. This harm amounts to a denial of the speaker’s self-knowledge and expression, resulting in victims who not only fail to find external validation but may even begin questioning their own experiences.<sup>7</sup> In the case of rape survivors, this can generate a bifurcated consciousness of sorts. Preconceived notions about what it means to be a man or what it is to be raped are in direct opposition to the lived experiences of a male rape victim. Notions of rape are inherently gendered and when that bias is applied to male testimony it results in listeners being prevented from giving proper credibility to the speaker. The male victim must contend with his own perception of events as well as the counter-narrative that discredits him. This can result in self-criticism and questioning one’s own validity of the events as they occurred, at a time when self-agency has already been violated. Unfortunately, according to Fricker’s account, the lack of credibility male victims face would not constitute an injustice but rather an incidental moment of epistemic “bad luck.” This is because testimonial injustice, as it is originally defined, requires an operation of identity power that results in one identity effectively controlling another, “preventing them, for instance, from conveying knowledge—in a way that depends upon collective conceptions of the social identities in play.”<sup>8</sup> The issue here is that Fricker’s account leaves no room for dominant identities to face in-group oppression. Because the perceived identity of a man is in a position of epistemic power there can be no operation of identity

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5 Debra L. Jackson, “Male Sexual Victimization, Failures of Recognition, and Epistemic Injustice,” *Epistemic Injustice and the Philosophy of Recognition* (June 16, 2022), 290.

6 Miranda Fricker, *Epistemic injustice: Power and the Ethics of Knowing* (New York: Oxford University Press, 2007), 17.

7 Jackson, “Victimization,” 288.

8 Fricker, *Epistemic Injustice*, 28.

power against them. Thus, the harms faced by male victims occur “not because of, but rather in spite of, the social type he is”, suggesting incidental “bad luck” rather than a pattern of control operating on a collective conception of identity.<sup>9</sup> While traditional methods fail to classify the lack of credibility male rape victims face in their testimony as an injustice, I believe this to be a gross misstep. I argue that there is an active operation of social power at play due to the way that systematically upheld beliefs of masculinity paint an inaccurate picture in the minds of listeners and therefore control what is thought possible for men. Regardless, the classical case of testimonial injustice does not apply to the epistemic injustice male rape victims face and so we must look elsewhere. Perhaps it is an issue of intelligibility rather than one of dis-credibility.

It is entirely possible, as suggested by the changing definition of rape, that a root cause of the epistemic harm male rape victims face is linguistic. Fricker identifies “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”<sup>10</sup> as hermeneutical injustice. The classic case of hermeneutical injustice outlined by Fricker is built on the story of Wendy Stanford and the creation of the term “sexual harassment” by consciousness-raising groups in the 70’s. The story reveals how Wendy was unable to articulate the unwanted and persistent sexual advances made toward her by male coworkers until a group of women facing similar harms were able to get together, recognize the pattern, and generate a term that conveyed their marginalized experiences — sexual harassment. It was not just the absence of the term, the hermeneutical lacuna, that made Wendy’s experience an injustice; it’s the fact that the gap had a disproportionately negative impact on one group, women, over and above others effectively discriminating against them and their experiences.<sup>11</sup> The apparent hermeneutical inequality that existed in Wendy’s situation was essentially dormant, only coming to light as an injustice when her “attempt at intelligibility [was] handicapped.”<sup>12</sup> A similar story of dormancy appears when we look at the report rates before and after the definition of rape was changed. The UCR indicated a 10% increase in reported incidents when using the adjusted definition, not because there were more cases of male rape, but because more incidents were recognized as rape under the new definition that had previously gone unrecognized.<sup>13</sup> This reveals that to some extent there was a gap where existing language failed to capture the experiences of male victims and their attempts to communicate what had happened to him were negatively impacted because of it. However, even operating under the adjusted definition of rape, dismissal and distortion remain prevalent. Therefore, there must be some form of intersectional injustice

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9 Fricker, *Epistemic Injustice* 158.

10 Fricker, *Epistemic Injustice*, 155.

11 Fricker, *Epistemic Injustice*, 162.

12 Fricker, *Epistemic Injustice*, 159.

13 Jackson, “Victimisation,” 284.

occurring in the case of male rape victims.

Engagement with Fricker's arguably robust definitions for testimonial and hermeneutical injustice has found that her terms rely on assumptions about the role of power and the availability of resources. These assumptions exclude certain identities, especially dominant identities, from being considered vulnerable to epistemic injustice. In an attempt to expand epistemic injustice to include the way that systems of power discursively act against their own dominant members, Dotson coined the term contributory injustice; she defined it as "an epistemic agent's willful hermeneutical ignorance in maintaining and utilizing structurally prejudiced hermeneutical resources."<sup>14</sup> This form of injustice relies upon the notion of willful hermeneutical ignorance, which occurs when "dominantly situated knowers refuse to acknowledge epistemic tools developed from the experienced world of those situated marginally."<sup>15</sup> Both terms rely upon the idea that epistemic resources are socially situated and thus there is not a single set of available resources but rather a multitude that come from the socially positioned experiences of the marginally situated.<sup>16</sup> Given how relevant a knower's social position is, as it both informs her resources and directs her attention, it is not surprising that marginally situated knowers struggle to have their resources considered by dominant knowers who fail to give attention to the experiences of those oppressed, because those resources are not immediately useful or apparent to those within the dominant identity.<sup>17</sup> This can be seen in the case of 'sexual harassment'. The term had to be generated by a marginalized community and was only recognized by the dominant with considerable efforts. In contributory injustice the issue is not a lack of terminology, nor does it come from agents withholding credibility; rather it's the refusal by dominantly situated knowers to accept and use the terms created by oppressed people, even when interacting with them. Taken together, contributory injustice indicates the convergence of oppressive systems where structural prejudice meets biased hermeneutics, generating a form of epistemic oppression that operates through individual agents as well as on a systemic level.

Considering the critical addition of contributory injustice, dominant identities can now be said to be affected by epistemic injustices when those identities themselves are marginalized by their experiences and subsequently prevented from speaking intelligibly and receiving credibility. While the identity of "man" is seen as socially dominant, rightly so, the identity of "victim" is not. This is an important distinction to make in our case. When victims disclose their experiences of rape, the listener becomes the dominantly situated knower because

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14 Kristie Dotson, "A Cautionary Tale: On Limiting Epistemic Oppression," *Frontiers: A Journal of Women Studies* 33, no. 1 (2012), 32.

15 Gaile Pohlhaus, "Relational Knowing and Epistemic Injustice: Toward a Theory of Willful Hermeneutical Ignorance," *Hypatia Journal of Feminist Philosophy* 27, no. 4 (2012), 715.

16 Dotson, "Epistemic Oppression," 31.

17 Pohlhaus, "Relational Knowing," 721.

they are in a position to provide or deny recognition, while the victim becomes marginalized by virtue of their vulnerability.<sup>18</sup> Male victims, now in a place the subordinate, must contend with the fractious epistemic landscape of seeking validation and communicating their experiences. They are harmed by the convergence of testimonial and hermeneutical injustice that manifests through willful ignorance on the part of their listeners. Dominant knowers, despite being aware of the available resources, are instead clinging to socially biased conceptions of what “rape” means. The great harm in willful ignorance is not simply an inability to see those precious resources developed by marginalized knowers, but a “co-ordinated misinterpretation of the world... presenting instead a distorted picture resulting from faulty epistemic resources.”<sup>19</sup> The failure is that the conceptual framework that listeners are using does not allow for men to be victims or does not allow rape to apply to men. This injustice is not due to a gap, as I have already demonstrated the terms exist, “but rather to an ambiguity or conflict among the collective interpretive resources resulting from an ongoing controversy over the meaning of the concept.”<sup>20</sup> Therefore, it cannot be said that men face a hermeneutical gap in the same sense that Fricker means. However, it can be argued that they face a unique “artificial lacuna”. Despite the terms existing and being readily available, victims and listeners alike fail to appropriately apply them. This leaves male victims confused and lost, often without an anchor to explain and understand what happened to them. This obfuscation is not accidental. The subjugation of male rape victims to the sidelines of sexual assault is more or less a deliberate action against those men by the very power structure which upholds male dominance.

As with all oppressive systems, preventing male rape victims from recognition is an act of social control by those in power. Willful ignorance allows there to be a lack of appropriate conceptual frameworks with which to deal with cases that do not fit the dominant narrative.<sup>21</sup> Dominant groups have no interest in “proper interpretation” but do have an active interest in “extant misinterpretation” because that misinterpretation benefits the power structure.<sup>22</sup> The architects of oppression are actively interested in keeping surviving misinterpretation alive, encouraging further division through the oversaturation of terms, and diluting the contributions of marginalized communities. All of this is done with the goal of preserving the fragile facade of the dominant. Hence why men who, by being a victim, do not fit into the collective conception of what it means to be a man are able to be discredited. The harms perpetrated against a specific portion of the male population – victims of rape – amount to dismissal, distortion, and erasure, all as a means of preserving the “social dominance of men as

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18 Jackson, “Victimisation,” 292.

19 Pohlhaus, “Relational Knowing,” 731.

20 Jackson, “Victimisation,” 286.

21 Dotson, “Epistemic Oppression,” 39.

22 Fricker, *Epistemic Injustice*, 152.

a group.”<sup>23</sup> By preserving a false narrative of the dominant group, such as “men are strong, not weak”, architects of oppression are able to hide the corrosive nature of the system that effectively harms members of its own dominant group. By adjusting definitions and accepting marginalized resources, the dominant group would be acknowledging how its system perpetuates oppression through division and pitting marginalized communities against one another. Epistemic equity is against the interests of those dominantly situated precisely because doing so would move “epistemic power away from dominant situatedness and can make clearer the injustices that maintain dominant privilege.”<sup>24</sup> Such is the case with male rape victims. By preventing the transmission and expansion of terms, those in power drive a wedge between rape survivors of different genders and identities which makes unification and the transmission of knowledge more difficult. The structure of power depends upon controlling the distribution of knowledge in this case. If dominantly situated knowers were to allow for the proliferation of hermeneutical resources from marginalized communities, it would only work to highlight how systems of injustice are used to prop up the privileged. This is certainly the case for male rape survivors, whose stories reveal the flaws in the dominantly constructed narrative of patriarchal strength and supremacy. This interwoven net of epistemic injustice reveals the depth of control by the dominant, where dis-credibility and unintelligibility are kept hidden by the willful ignorance of those who have the privilege to look away.

Rape is one of the most horrific acts someone can carry out against another human. Its violation robs victims of agency in the moment of its occurrence and endures through deep emotional and psychological wounds. These experiences are only further compounded by the difficulties many face when attempting to seek justice or even recognition. Despite being members of the dominant group, men who have been raped face an axis of injustice when attempting to communicate any shred of their experience. Not only are their stories frequently dismissed as an “impossibility”, but a discursive web of injustice means that others fail to utilize existing resources when dealing with victims while at the same time victims fail to claim agency over resources developed by marginalized communities who have long suffered under these oppressive systems. Male victims must contend with converging injustices. They face a combination of the testimonial failure to credit their experiences, an artificial hermeneutical gap produced by biased heuristics that obscure and distort their lived experiences, and the inability of the hegemony to recognize and utilize marginalized resources. All done in an attempt to further support an oppressive system that subjugates members of its own dominant class as a means of maintaining authority, sowing discourse, and perpetuating oppression against marginalized communities.

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23 Dotson, “Epistemic Oppression,” 33; Jackson, “Victimisation,” 292.

24 Pohlhaus, “Relational Knowing,” 721.