

# Infrapolitical Strategies for Preventing Hermeneutical Injustices Amidst the Global Trans Panic

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Version accepted February 16, 2025.

Please cite the published version in *Ergo* once available.

## Abstract

Previously proposed strategies for preventing hermeneutical injustices mostly take for granted the interests people have in various things about themselves being intelligible, and aim only to enable them to satisfy these interests. Historically, the pursuit of such strategies has been somewhat successful in preventing trans people from suffering hermeneutical injustices in their interactions with cis people. Yet the widespread anti-trans backlash of recent years has brought to the fore a number of limitations and previously unacknowledged downsides to trans people's pursuit of such strategies. Thankfully, the pursuit of such strategies is not the only way to go about preventing trans people from suffering hermeneutical injustices in their interactions with cis people. At least some such injustices can be prevented by instead doing away with some of the interests trans people have in certain things about themselves being intelligible to certain cis people, and thus with the possibility of those interests going unfairly unsatisfied. In particular, trans people can do away with some of those interests by meeting the needs which underly them for themselves. Such strategies are infrapolitical in the sense that because they largely play out within a marginalized group rather than between a marginalized group and a dominant group, they tend not to register on the radar of the dominant group. I argue that especially in the context of a backlash against a marginalized group by members of a dominant group, this is an important advantage to strategies of this previously untheorized sort.

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*Among our tasks is to attend to the grim reality that the expansion of even “positive” representation might not have simply a neutral corollary to violence but perhaps a causal one as well.*

- Eric Stanley, *Atmospheres of Violence* (2021: 85)

*Language was supposed to save us*

- Joshua Jennifer Espinoza, “It Was Supposed to Rain” (2016: 59)

## **1. Introduction: Taking Backlash Seriously**

Trans people often find themselves frustrated in their attempts to satisfy their interests in various things about themselves being intelligible to cis people. Think here for instance of trans people trying and failing to get their cis friends to grasp that they are indeed trans, or trying and failing to get cis doctors to grasp that they ought to be provided with gender-affirming healthcare, or trying and failing to get their cis academic colleagues to grasp that their research on trans topics is both rigorous and worthwhile. Frequently, the barrier a trans person encounters in attempting to render something significant about themselves intelligible to a cis person is conceptual: their cis interlocutor turns out to lack a key concept, say NONBINARY, or to be liable to draw a different and detrimental set of inferences from that concept’s employment. Moreover, a trans person’s attempt to render intelligible something significant about themselves being frustrated in this way is often no accident, but rather a result of trans people’s ongoing marginalization. This situation can be summarized in the idiom of the ever-expanding epistemic injustice literature by saying that trans people frequently suffer *hermeneutical injustices* when attempting to render various things about themselves intelligible to cis people (Fricker 2007: Ch.7).

What can trans people do to avoid suffering such hermeneutical injustices? While a number of strategies for preventing hermeneutical injustices have previously been proposed in the literature, for the most part these strategies have all been of the same sort. These strategies take for granted the interests people have in certain things about themselves being intelligible, and aim only to enable them to satisfy these interests – call them ‘*interests-as-given* strategies’ (Clanchy 2024: 688). Notable strategies of this sort include fighting for a marginalized group’s participation in practices that play outsized roles in shaping people’s conceptual repertoires such as the arts, academia, and the law (Fricker 2016: 175), and engaging in displays of pride (Barnes 2016: Ch.6). As I discuss below, trans people have long pursued strategies of this sort – at times with considerable success.

That said, the first key point I want to make is that trans people's pursuit of such strategies has been less successful in recent years, characterized as they have been by an intense anti-trans backlash. This backlash – dubbed the 'global trans panic' (Gill-Peterson 2024: 55) – is ongoing on a number of intertwined fronts. One is legal – taking the US as an example, 2023 saw a record number of laws passed restricting trans people's access to bathrooms, gender-affirming healthcare, and participation in sport (Luscombe 2024). Another is necropolitical – again taking the US as an example, 2023 saw a record number of trans people murdered (Neus 2023). A third is hermeneutical – around the world, the 'anti-gender ideology movement' (Butler 2024: *passim*) has been undermining trans people's pursuit of interests-as-given strategies by engaging in what has recently been theorized as 'hermeneutical backlash' (George and Goguen 2021) or 'hermeneutical sabotage' (Edgoose 2024). This is to say that organized transphobic forces have increasingly been countering trans people's efforts to get cis people to work with trans-affirmative conceptual repertoires by doing their utmost to get cis people to work with transphobic conceptual repertoires instead. In addition, trans people's pursuit of interests-as-given strategies has plausibly contributed unwittingly to their growing 'hypervisibility' (Malatino 2020: 27) – which in turn has helped expose them to unprecedented levels of anti-trans violence (Stanley 2021: Ch.3). That the pursuit of interests-as-given strategies can be both ineffective and a generator of negative externalities is an important lesson for the hermeneutical injustice literature to learn – not least because it ought to prompt inquiry into whether another sort of strategy can be pursued to prevent hermeneutical injustices.

Here progress can be made by asking why, for instance, trans people have interests in various things about themselves being intelligible to cis people in the first place. The suggestion I want to explore is that at least sometimes, a trans person only has an interest in something about themselves being intelligible to a cis person because only then will that cis person provide them with a good they need. For example, a trans person may only have an interest in their experience of gender being intelligible to a cis doctor because only then will that doctor provide them with gender-affirming healthcare. When this is what accounts for a trans person's interest in something about themselves being intelligible to a cis person, an 'interests-in-question strategy' (Clanchy 2024: 689) can sometimes be pursued to prevent them suffering a hermeneutical injustice. The aim of a strategy of this different sort is to do away with the relevant interest in intelligibility, and thus with the possibility of its unfair nonsatisfaction.

I have previously proposed one way to do away with relevant interests in intelligibility, namely getting would-be providers of needed goods to cease making their provision of those goods conditional on would-be beneficiaries first rendering certain things about themselves intelligible. For example, suppose a trans person only has an interest in their experience of gender being intelligible to a cis doctor because the healthcare provider for whom that doctor works has made this a requirement for that doctor providing them with gender-affirming healthcare. One way to do away

with this interest would be to get that healthcare provider to cease making this a requirement and instead allow that doctor to provide them with gender-affirming healthcare just so long as they give their informed consent (Clanchy 2024: 703). Unfortunately, persuading and/or successfully pressuring cis would-be providers of needed goods to cease making their provision of those goods conditional on trans would-be beneficiaries first rendering things about themselves intelligible is not always realistic – especially in the midst of the global trans panic.

The second key point I want to make here is thus that there is thankfully often another way to go about doing away with relevant interests in intelligibility, namely finding ways to access needed goods other than from particular would-be providers whose provision of those goods is conditional on would-be beneficiaries first rendering certain things about themselves intelligible. For example, suppose again that a trans person only has an interest in their experience of gender being intelligible to a cis doctor because the healthcare provider for whom that doctor works has made this a requirement for that doctor providing them with gender-affirming healthcare. This interest could also be done away with by finding a way to access gender-affirming healthcare other than from that healthcare provider – for instance by sourcing hormones without a prescription, and/or crowdfunding to pay for gender-affirming surgery from another healthcare provider requiring only informed consent. Interests-in-question strategies which aim to do away with relevant interests in intelligibility this way are largely *infrapolitical*, in the sense that because they largely play out within a marginalized group rather than between a marginalized group and a dominant group (Scott 1990: Ch.7), they ‘don’t tend to register on the radar’ of the dominant group (Malatino 2019: 130). I argue that especially in the context of a backlash against a marginalized group by members of a dominant group, this is an important advantage to strategies of this previously untheorized sort.

The paper proceeds as follows. In §2, I elaborate on what hermeneutical injustices are and on some of the interests-as-given strategies that have previously been proposed for preventing them. In §3, I provide a number of examples of hermeneutical injustices that trans people suffer in their interactions with cis people and argue that while trans people have long pursued a variety of interests-as-given strategies to prevent such injustices, doing so successfully has become increasingly difficult amidst the global trans panic. In §4 I elaborate on the idea of an infrapolitical strategy for preventing hermeneutical injustices and provide a number of examples of trans people successfully pursuing strategies of this sort. Finally, I conclude in §5 with some brief comments on the wider programmatic significance of my argument.

## 2. The Idea of a Hermeneutical Injustice

### a. A Definition of Hermeneutical Injustice

For the purposes of this paper, a hermeneutical injustice can be defined as what a person *A* suffers iff both: '(i) *A* has an interest in something about themselves being intelligible to *B*; and (ii) this interest goes unsatisfied because *A* has, at least in part as a result of hermeneutical marginalization, at best ill-fitting concepts available to them with which to render this thing about themselves intelligible to *B*' (Clanchy 2024: 691).<sup>1</sup> Evidently this definition requires some unpacking. First, let us say that a concept is *available* to *A* for the purpose of rendering something about themselves intelligible to *B* iff both *A* and *B* possess and are willing to work with it (Romdenh-Romluc 2017: 6); and that a concept is *well-fitting* for this purpose insofar as the inferences *B* is liable to draw from its employment advance *A*'s interest in this thing about themselves being intelligible to *B*, and correspondingly *ill-fitting* for this purpose insofar as the inferences *B* is liable to draw from its employment fail to advance this interest (Fraser

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<sup>1</sup> Miranda Fricker herself most recently defines hermeneutical injustice as 'the injustice of being frustrated in an attempt to render a significant social experience intelligible (to oneself and/or to others) where hermeneutical marginalization is a significant causal factor in that failure' (Fricker and Jenkins 2017: 268). I prefer the main text definition because it makes two things explicit which Fricker's definition leaves implicit (for further argument in favor of the main text definition, see Clanchy 2024: 689-691). First, in talking of someone's social experience being 'significant' Fricker means they have an interest in it being intelligible to someone (2007: 151). Second, what frustrates their attempt to render it intelligible to that person is their having 'at best ill-fitting' concepts available to them for that purpose (Fricker 2007: 148). This being explicit will be helpful when distinguishing between strategies for preventing hermeneutical injustices.

An anonymous reviewer worries that the main text definition of hermeneutical injustice implies that hermeneutical injustices arise only in individual encounters, whereas in their view hermeneutical injustice ought rather to be understood as the underlying problem explaining why individual encounters go awry. Yet that it is only in individual encounters that hermeneutical injustices arise is a point on which Fricker is in fact quite clear: 'the moment of hermeneutical injustice comes only [...] in a more or less doomed attempt on the part of the subject to render an experience intelligible, either to herself or to an interlocutor' (2007: 159; see also the definition quoted above). Moreover, the reviewer's conception of hermeneutical injustice as the underlying problem seems to me to risk conflating hermeneutical injustice with its background condition: 'The background condition for hermeneutical injustice is [...] hermeneutical marginalization. But the moment of hermeneutical injustice comes only when the background condition is realized [...] The hermeneutical inequality that exists, dormant, in a situation of hermeneutical marginalization erupts in injustice only when some actual attempt at intelligibility is handicapped by it' (Fricker 2007: 159; see also Romdenh-Romluc 2016). You could use this formulation to say: interests-as-given strategies aim at undermining hermeneutical inequality, whereas interests-in-question strategies aim at preventing hermeneutical inequality erupting in hermeneutical injustices; from which it follows that when strategies of either sort are pursued successfully, the result will be the prevention of hermeneutical injustices. Now, suppose that for whatever reason you in fact nevertheless prefer the reviewer's account of hermeneutical injustice to the account given in the main text. It would follow that the successful pursuit of interests-in-question strategies would not so much *prevent* hermeneutical injustice so much as *deal* with it. As far as I can see, this would ultimately amount to little more than a difference in framing. In other words, the argument of this paper ought still to go through – just translated into other terms.

2018: 735-737; similarly Foster and Ichikawa forthcoming). These accounts of conceptual availability and fittingness between them capture José Medina's insight that when it comes to hermeneutical injustice, 'it is of the utmost importance *who* is communicating (or trying to communicate) *what* to *whom*' (2012: 207).<sup>2</sup> Second, a group is *hermeneutically marginalized* to the extent that its members are excluded from and/or subordinated within practices which serve to generate and/or propagate conceptualizations of social phenomena (Fricker 2007: 153). Among such hermeneutically powerful practices are the arts (Clanchy 2023: 818) and those 'sustained by professions such as journalism, politics, academia, and law' (Fricker 2007: 152). The idea is that *A*'s interest in something about themselves being intelligible to *B* going unsatisfied is by definition a harm (Fricker 2007: 162; see also Feinberg 1984: 33); that hermeneutical marginalization playing a significant causal role in this interest going unsatisfied ensures that this harm is unfair (Fricker 2007: 152); and that a harm's being unfair is plausibly sufficient for it to constitute an injustice (Fricker 2007: 151).

When first introducing the notion of a hermeneutical injustice, Miranda Fricker uses the example of a woman frustrated in her attempt to render intelligible her experience of sexual harassment (2007: 150-151), as recounted by Susan Brownmiller in her memoir *In Our Time* (1999: 280-281). It is worth rehearsing that canonical example here, not only because it nicely serves to illustrate these abstractly-stated ideas but also because I will later want to suggest some respects in which the particular picture implied by that example has held the hermeneutical injustice literature captive. Thus in the early 1970s, in the days before the concept SEXUAL HARASSMENT had been coined, Carmita Wood was sexually harassed while working as an administrative assistant in the physics department at Cornell. Having quit her job in order to escape this mistreatment, Wood applied for unemployment benefits. Yet when asked by a bureaucrat at the Department of Labor to explain why she had quit and without a concept like SEXUAL HARASSMENT available to her as a label for her experience, Wood found herself 'at a loss to describe the hateful episodes' (Brownmiller 1999: 280). Instead, at least according to Brownmiller, Wood managed to say only that her reasons for quitting had been 'personal' (1999: 280). Left with no reason to think that Wood had been seriously wronged or that her resignation had been less than voluntary, the bureaucrat turned down Wood's application for unemployment benefits.

Wood had an interest in her experience of sexual harassment being intelligible to the bureaucrat, since this would mean him grasping both that she had been seriously wronged and that her resignation had been less than voluntary and hence that he ought to approve her application for unemployment benefits. Yet Wood's attempt to render this experience intelligible to him was frustrated by her having at best ill-fitting

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<sup>2</sup> Note that though this definition allows for *A* and *B* to be one and the same person, for the purposes of this paper I am only interested in cases of hermeneutical injustice where *A* and *B* are different people (see Goetze 2018: 78).

concepts available to her for this purpose. That is, Wood did have available to her concepts such as BEING-MADE-TO-FEEL-UNCOMFORTABLE and EXCESSIVE-FLIRTING (Fricker 2007: 153); yet had she described her experience in these terms, the bureaucrat would likely not have been liable to infer either that she had been seriously wronged or that her resignation had been substantially less than voluntary. At the same time, Wood did not have available to her a concept like SEXUAL HARASSMENT; yet we can imagine that had she had a concept like this available to her as a label for her experience, the bureaucrat could well have been liable to infer both that she had been seriously wronged and that her resignation had been less than voluntary. Moreover, the unavailability to Wood of a concept like SEXUAL HARASSMENT was plausibly at least partly a result of women's hermeneutical marginalization (Fricker 2007: 153). After all, generating and propagating a concept like SEXUAL HARASSMENT was in women's interests; and in general our 'interpretive efforts are naturally geared to interests, as we try hardest to understand those things it serves us to understand' (Fricker 2007: 152). Thus women plausibly would have generated and disseminated a concept like SEXUAL HARASSMENT sooner had they had the means to do so – namely, a greater degree of participation in hermeneutically powerful practices. Putting this together, it becomes clear that Wood suffered a hermeneutical injustice in her interaction with the bureaucrat.

#### *b. Interests-as-Given Strategies for Preventing Hermeneutical Injustices*

I said in the introduction that most previously proposed strategies for preventing hermeneutical injustices take for granted the interests people have in things about themselves being intelligible, and aim only to enable them to satisfy these interests. In terms of the definition quoted above, such interests-as-given strategies allow condition (i) to obtain and aim only to prevent condition (ii) obtaining. In the remainder of this section, I want to highlight three strategies of this sort as particularly relevant for the argument that will follow.

The first such strategy consists in fighting for a greater degree of participation in hermeneutically powerful practices for a hermeneutically marginalized group. This is notably the strategy Fricker herself has emphasized most in later work (2016: 175; 2019: 304; similarly e.g. Sarmaržija and Cerovac 2021: 623). The idea is that a greater degree of participation in hermeneutically powerful practices would better equip members of the group to generate and/or propagate concepts well-fitting for the purposes of rendering significant things about themselves intelligible, and/or to make already available concepts better-fitting for these purposes.<sup>3</sup> Consider for instance that a woman who is sexually harassed in New York today is likely to have a concept like SEXUAL HARASSMENT available to her for the purpose of rendering this experience intelligible, and thus is unlikely to suffer a hermeneutical injustice akin to that suffered

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<sup>3</sup> Call this better equipping members of the group to engage in *de novo* conceptual engineering and/or in conceptual re-engineering if you like (Chalmers 2020: 6).

by Carmita Wood. That this concept is widely available today is a result in part of second-wave feminists having successfully fought for women to participate to a greater degree in hermeneutically powerful practices including journalism, academia, and especially the law (Strebeigh 2009: Chs.14-20).

The second such strategy consists in members of a hermeneutically marginalized group engaging in political activism aimed at propagating concepts well-fitting for the purposes of rendering significant things about themselves intelligible, and/or at making already available concepts better-fitting for these purposes (Fricker and Jenkins 2017: 276-277; see also Medina 2023). That the concept SEXUAL HARASSMENT is widely available today is also a result in part of second-wave feminists' successful pursuit of this strategy. For instance, once this concept had been coined in a feminist consciousness-raising group at Cornell as a label for what Carmita Wood had gone through, the group's members held a speak-out advertised on posters as a speak-out against "sexual harassment" – thereby beginning the process of disseminating this new well-fitting concept (Brownmiller 1999: 281).

The third such strategy consists in displaying pride in identities assumed to be abject (Barnes 2016: Ch.6). For instance, displaying pride in one's disability has the potential to change the mind of an onlooker who considers it a tragedy to be disabled. After all, such an onlooker is liable to infer claims like "they must be hoping for a cure" from "they are disabled". Yet a disabled person who displays pride in their disability is evidently not hoping for a cure. Thus when confronted with such a display of pride, this onlooker ought rationally to cease being liable to infer "they must be hoping for a cure" from "they are disabled". Suppose a disabled person not hoping for a cure now wants to render their experience of disability intelligible to this onlooker; the concept DISABLED ought now to be better-fitting for this purpose.

### **3. Learning from the Global Trans Panic**

Having laid sufficient groundwork, I want to consider what the hermeneutical injustice literature stands to learn from thinking through the widespread anti-trans backlash of recent years. This section is divided into three parts. First, I provide some examples of hermeneutical injustices suffered by trans people when interacting with cis people. Second, I acknowledge some of the successes trans people have had in pursuing interests-as-given strategies to prevent such hermeneutical injustices. Third, however, I argue that the global trans panic has in recent times made the successful pursuit of interests-as-given strategies to prevent such hermeneutical injustices considerably more difficult. I also argue that trans people's pursuit of such strategies has had the unintended downside of contributing to their growing hypervisibility, which in turn has helped expose them to unprecedented levels of anti-trans violence.



*a. Hermeneutical Injustices Suffered by Trans People When Interacting with Cis People*

*i. Gender-Affirming Healthcare* When healthcare providers offer gender-affirming healthcare to trans people it is often under the gatekeeping model, which characteristically requires them to receive a diagnosis ‘of or relating to Gender Dysphoria’ from one or more doctors before being provided with hormones and/or gender-affirming surgeries (Pearce 2018: 58). Assessment for this diagnosis centrally involves being asked a series of questions concerning their relationship with their body, their gender presentations past and present, and possibly even their sexual fantasies and experiences and/or their employment (Pearce 2018: 64-65). How they respond goes a long way to determining whether the (usually cis) doctor(s) in question judge them ‘*trans* (enough)’ to merit the required diagnosis (Pearce 2018: 66). It follows that any trans person hoping to access gender-affirming healthcare under this model has an interest in it being intelligible to one or more (usually cis) doctors that they are indeed trans.

Historically, however, doctors playing this gatekeeping role have tended to work with an overly-narrow conception of what it is to be TRANS. In particular, they have often assumed that to be trans is necessarily to identify as either a trans man or a trans woman (Pearce 2018: 59), and moreover that to be trans is necessarily to be straight (Pearce 2018: 141) and to desire to pass as cis (Pearce 2018: 65). As a result, many hoping to access gender-affirming healthcare under the gatekeeping model have historically had difficulty in rendering intelligible to the relevant doctors that they are indeed trans – for instance because they are not straight (Pearce 2018: 141) or identify with a gender beyond the binary (Pearce 2018: 113), or because as a person of color their binary gender is insufficiently legible to doctors working with implicitly white conceptions of what it is to be a man or woman (Pearce 2018: 142), or even because their earning a living through sex work is interpreted as a sign that they don’t in fact desire to pass as cis (Pearce 2018: 65). Moreover, that doctors playing this gatekeeping role have historically tended to work with this overly-narrow conception of what it is to be TRANS is a result at least in part of trans people’s hermeneutical marginalization – both within the practice of gender-affirming healthcare itself and more generally (Clanchy 2024: 697). It follows that trans people have often suffered hermeneutical injustices when trying to access gender-affirming healthcare under the gatekeeping model.

*ii. Friends and Romantic Partners* Everyone needs people in their lives who love them for who they really are, from which it follows that trans people in particular have interests in it being intelligible to (prospective) friends and romantic partners that they are both trans and lovable as such. That receiving this kind of recognition has the capacity to provide some respite from what is often a relentless ‘hammering away’ at trans being (Ahmed 2017: 221) experienced outside the intimate sphere lends these interests particular weight (Hernandez 2021: 625). Yet rendering their gender identity intelligible to a cis (prospective) friend or romantic partner is likely to be difficult if for instance that (prospective) friend or romantic partner lacks a key concept, say

TRANS or NONBINARY, or if (in line with the so-called “natural attitude”) that (prospective) friend or romantic partner is disposed to deny the reality of all trans identities (see Bettcher 2012: 319-320). Moreover, a trans person may sometimes succeed in rendering it intelligible that they are indeed trans only to discover that the (prospective) friend or romantic partner in question infers from this that they are abject and hence no longer lovable – perhaps greeting their revelation by implying an immanent estrangement with a phrase such as “It feels like someone died” (Lavery 2020: 166). When a cis (prospective) friend or partner is conceptually ill-equipped to grasp that a trans person is both trans and lovable as such, this is often at least in part a result of trans people’s hermeneutical marginalization. Hence likewise in this area of life, trans people are vulnerable to suffering hermeneutical injustices.

*iii. Academic Philosophy* My third example is both more niche and taken from particularly close to home. It is no secret that ‘philosophy has transgender trouble’ (Dembroff 2020: 399). One way in which this sometimes manifests is via the dreaded question: “How is this paper philosophy?” (Dotson 2012b). In other words, a trans philosopher working on trans topics is likely at some point to find themselves challenged by a cis mainstream practitioner to render intelligible how their work constitutes (worthwhile) philosophy – it being characteristic of philosophy’s particular ‘culture of justification’ to challenge all diverse practitioners of the discipline this way (Dotson 2012b: 7). Note that at stake here may be not only the mainstream practitioner’s esteem, but also perhaps an opportunity to publish, or even a job (compare Salamon 2009: 225). Now, it is common for mainstream practitioners to think that what distinguishes philosophy from other disciplines is ‘precisely that there is nothing that may not be challenged’ (Priest 2006: 201). In other words, it is common for mainstream practitioners to think of philosophy as being defined ‘neither by its subject matter, nor by its method, but by its spirit: - unbridled criticism’ (Priest 2006: 206-207). Given the popularity of this conception of philosophy within the mainstream, a trans philosopher working on trans topics who considers it ‘a necessary starting point that we take trans self-identities as at least presumptively valid’ (Bettcher 2019: 653) may well struggle to render intelligible to a mainstream practitioner how their work constitutes (worthwhile) philosophy. If the concept PHILOSOPHY turns out to be ill-fitting for this purpose it is likely at least in part as a result of trans people’s hermeneutical marginalization, including within the discipline of philosophy itself (see Dotson 2012b: 11). Hence trans philosophers working on trans topics are vulnerable to suffering hermeneutical injustices within academic philosophy.

#### *b. The Successful Pursuit of Interests-as-Given Strategies*

I am of course hardly the first to point out that trans people often have difficulty rendering significant things about themselves intelligible to cis people. Indeed, it is here worth thinking back to Sandy Stone’s foundational essay “The Empire Strikes

Back: A Posttranssexual Manifesto" (1992). There Stone describes some of the most prominent phobic misconceptions of trans people propagated by clinicians involved in the provision of gender-affirming healthcare (such as Harry Benjamin) and trans-exclusionary radical feminists (such as Janice Raymond) (1992: 161, 165). That so many cis people labor under these phobic misconceptions Stone attributes to trans people having failed 'to develop an effective counterdiscourse' (1992: 163). This in turn Stone attributes at least in part to clinicians' insistence that trans people agree 'to fade into the "normal" population as soon as possible' as a condition of their being provided with gender-affirming healthcare, it being 'difficult to generate a counterdiscourse if one is programmed to disappear' (1992: 164). Stone concludes that if trans people are to successfully push back against phobic misconceptions of them, 'the genre of visible transsexuals must grow by recruiting members from the class of invisible ones' (1992: 165). "*The Empire Strikes Back*" thus offers greater visibility for trans people as 'the primary path' to their liberation (Tourmaline et al. 2017: xv). It is easy to imagine what this might look like in practice: trans people fighting to participate in a wide variety of hermeneutically powerful practices, engaging in political activism aimed in part at propagating better-fitting conceptions of transness, and displaying pride in their identities.<sup>4</sup>

In the three decades since Stone published her essay, trans people have in fact become significantly more visible in all these ways. Few moments symbolize this better than the publication by *Time* magazine in 2014 of an issue featuring trans actress Laverne Cox on the cover under the headline "The Transgender Tipping Point" (Stryker 2017: 196). In the piece journalist Katy Steinmetz welcomes the greater visibility of trans figures such as Cox in public life, writing that '[t]his new transparency is improving the lives of a long misunderstood minority [by making them better understood]' (Steinmetz 2014). Cox's ground-breaking portrayal of an incarcerated trans woman on *Orange is the New Black* heralded an 'explosion' (Stryker 2017: 195) of trans stories in film and television being told by trans talent in front of and/or behind the camera – think of shows like *Transparent*, *Pose* and *Sense8* (Keegan 2018: 106-118), or films by the likes of Isabel Sandoval, Jane Schoenbrun, and Luis De Filippis (Gardner and Maclay 2024: Ch.11). A comparable explosion in the production of trans fiction has also taken place – think of novels by the likes of Imogen Binnie, Andrea Lawlor, Jordy Rosenberg, Torrey Peters, and Shola von Reinhold. An upswing in trans participation in academia has helped ensure that trans topics are 'now widely taught in college and university curricula' (Stryker 2017: 217). Trans people have taken on leadership roles in the provision of gender-affirming healthcare, with Stephen Whittle (2007-2009) and Jamison Green (2013-2015) becoming the first trans presidents of the World

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<sup>4</sup> Following Kristie Dotson's warning about the dangers of engaging in a 'rhetoric of beginnings' concerning Fricker's work on epistemic injustice (2014: 3; see also Pohlhaus 2017: 15), various efforts have been made to find 'theorist[s] of epistemic injustice *avant la lettre*' (Allen 2017: 187; see e.g. Berenstain 2020: 750-751). As hinted at here, I think there is perhaps an argument for adding Sandy Stone to this list.

Professional Association for Transgender Health (WPATH) (Stryker 2017: 195). Trans politicians have also begun to emerge – in 2017 Danica Roem was elected as the first trans state representative in the United States, and in 2024 Sarah McBride was elected as the first trans member of the U.S. House of Representatives (see also McBride 2018). Trans activism has flourished, from Transgender Nation’s protest against the American Psychiatric Association’s pathologization of trans identity (Stryker 2017: 169) and The Transexual Menace’s protests against trans women’s exclusion from the Michigan Womyn’s Music Festival (Wilchins 1997: 109-114) in the 1990s to trans participation in the Black Lives Matter movement (Stryker 2017: 210-211) and efforts to free trans prisoners including Chelsea Manning and CeCe McDonald (McDonald 2017) in the 2010s. Trans pride has also become increasingly institutionalized, with the San Francisco Trans March – the world’s largest gathering of trans people – taking place each year since 2004, and Transgender Day of Visibility being celebrated each year since 2009.

This increased degree of participation in hermeneutically powerful practices, engagement in political activism and public displaying of pride has undoubtedly been somewhat successful in helping trans people avoid suffering hermeneutical injustices in their interactions with cis people. For instance, a 2013 poll found that over 90 percent of people in the United States had acquired at least some familiarity with the concept TRANSGENDER (Stryker 2017: 196) – a generational shift attributable in large part to trans people’s pursuit of these interests-as-given strategies, which for many has made rendering their gender identity intelligible to cis (prospective) friends and romantic partners considerably more straightforward. Likewise, Stephen Whittle as president of WPATH helped revise their *Standards of Care* to recognize genders beyond the binary (Pearce 2018: 175) – making it considerably easier for many nonbinary people to render their need for gender-affirming healthcare intelligible to doctors taking their cue from WPATH’s lead. It is thus unsurprising that when in a joint paper Miranda Fricker and Katharine Jenkins consider how best to prevent trans people suffering hermeneutical injustices in their interactions with cis people, it is the pursuit of a combination of interests-as-given strategies along something like these lines that they endorse (2017: 276-277).

### *c. Limitations and Downsides to Pursuing Interests-as-Given Strategies Amidst the Global Trans Panic*

The first key point I want to make, however, is that the anti-trans backlash of recent years has brought to the fore a number of limitations and downsides to the pursuit of interests-as-given strategies towards this end. One such limitation is that considerable numbers of cis people are wilfully hermeneutically ignorant regarding trans people (taking this notion from Pohlhaus 2012). By this I mean that considerable numbers of cis people are wilfully unresponsive to trans people’s attempts to make available new concepts well-fitting for the purposes of rendering significant things about themselves

intelligible and/or to make already available concepts better-fitting for those purposes. In particular, trans people's efforts to propagate new well-fitting conceptions of transness among cis people via participation in hermeneutically powerful practices and/or via engagement in political activism are ineffective to the extent that those cis people simply ignore their efforts in this regard. Likewise, trans people's displays of pride aimed at enticing cis people to reconsider their assumption that trans identities are abject are ineffective to the extent that those cis people simply refuse to reconsider this assumption. In these ways, cis people's wilful hermeneutical ignorance places a structural limit on the effectiveness of trans people's pursuit of interests-as-given strategies (compare Dotson 2012a).

Moreover, a central feature of the global trans panic has been anti-trans forces successfully engaging in active efforts to reverse the progress which trans people's pursuit of these strategies has already made. The anti-trans forces I have in mind are those Judith Butler refers to collectively as the 'anti-gender ideology movement' (2024: *passim*; see similarly Wuest 2024). These forces include reactionary political parties led by the likes of Viktor Orbán, Narendra Modi, Jair Bolsonaro, and Donald Trump; religious organizations including the Catholic, Russian Orthodox, and Evangelical churches; and self-described gender critical feminists, otherwise known as trans-exclusionary radical feminists or TERFs. The anti-gender ideology movement's efforts in this regard have previously been theorized in the hermeneutical injustice literature as 'hermeneutical backlash' (George and Goguen 2021) or 'hermeneutical sabotage' (Edgoose 2024).<sup>5</sup> Translated into the idiom of this paper, the idea in both cases is that the anti-gender ideology movement has taken concepts trans people use for the purposes of rendering significant things about themselves intelligible to cis people and succeeded in making those concepts frequently worse-fitting for those purposes. For instance, the anti-gender ideology movement's active promotion of the "natural attitude" according to which trans women are really just men has succeeded in making the concept TRANS WOMAN worse-fitting for the purpose of rendering a trans woman's gender identity intelligible to cis people newly liable to infer that she is really just a man (Edgoose 2024: 888). Likewise, the anti-gender ideology movement's active promotion of the myth that trans identification spreads through social contagion has succeeded in making the concept TRANS worse-fitting for the purpose of rendering a trans person's gender identity intelligible to cis people newly liable to infer that they are not really trans but have rather been conned into thinking they are (George and Goguen 2021: 17).<sup>6</sup> This myth is particularly insidious because it enables cis people who subscribe to it to think of themselves as caring for trans people when denying their gender identities (Elster 2022). Empirical evidence of the anti-gender ideology movement's considerable success in spreading such 'undermining

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<sup>5</sup> Robert Morgan's 'hermeneutical disarmament' (forthcoming) is a third possible label for this phenomenon.

<sup>6</sup> For a debunking of this myth, see Ashley (2020). For more on the role myths sometimes play in hermeneutical injustices, see Jenkins (2017).

propaganda’ (Stanley 2015: 53) can notably be found in polling data, with YouGov in early 2024 finding that 36% of people living in the US now say that ‘societal acceptance of transgender people has gone too far’ – 7% higher than when they first asked this question in 2018 (Orth 2024).

In introducing the notion of hermeneutical sabotage, Han Edgoose suggests that it is made possible only by the hermeneutical marginalization of the group it targets (2024: 883). Edgoose’s idea is that were they not hermeneutically marginalized, members of the target group would be in a position to scupper attempts to subject them to hermeneutical sabotage. It seems to me that whether they would then be in such a position in fact depends at least in part on the relative size of the group in question. After all, trans people make up only around 1% of the population (Faye 2021: xvi) and thus were they not hermeneutically marginalized would likely still make up only around 1% of the participants in hermeneutically powerful practices. As such, a sufficiently large number of cis people determined to engage in hermeneutical sabotage could presumably still succeed in drowning out trans people’s voices. By contrast, women make up around half the population and thus were they not hermeneutically marginalized would likely make up around half of participants in hermeneutically powerful practices. As such, men determined to engage in hermeneutical sabotage would presumably find it considerably more difficult to drown out women’s voices. For this reason, the structural limit placed on the effectiveness of trans people’s pursuit of interests-as-given strategies by the determination of some cis people to engage in hermeneutical sabotage against them appears especially daunting. The relevance of trans people’s relatively small group size in this context having previously been missed is perhaps an instance of the hermeneutical injustice literature being held captive by the particular picture suggested by the example of Carmita Wood, since women appear in that picture as *the* paradigmatic hermeneutically marginalized group.<sup>7</sup>

While these limitations to the effectiveness of trans people’s pursuit of interests-as-given strategies have to some extent been recognized in the hermeneutical injustice literature before, it has not previously been noticed that their pursuit of these strategies has also helped generate some significant negative externalities. First, trans people’s highly visible pursuit of these strategies has plausibly contributed unwittingly to their becoming hypervisible.<sup>8</sup> By this I mean that thanks in part to trans people’s pursuit of these strategies, cis people are now more conscious than ever of trans people’s existence and thus more likely than ever to clock when someone is trans, with the result that for many trans people it has become newly difficult to ‘shift’ between passing as cis and passing as trans (cárdenas 2015). Consistently being

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<sup>7</sup> For more on trans perspectives forcing revisions to thinking about hermeneutical injustice, see Cull (2024: 55).

<sup>8</sup> Other factors contributing to trans people becoming hypervisible include the activities of the anti-gender ideology movement and the growth of state surveillance practices in the wake of 9/11 (Beauchamp 2019).

clocked as trans in a cis world means consistently standing out from the crowd.<sup>9</sup> Gayle Salamon discusses this phenomenon in *The Life and Death of Latisha King*, a phenomenological investigation into the life and murder of a trans girl in California in 2008. Salamon writes of King that:

There was no moment during the school day in which she could sink into the simplicity of bodily rhythm and existence. There was no retreat inward toward solaces of undifferentiated being-with-others that characterizes anonymous life. (2018: 134; similarly Snorton 2009)

Here Salamon indicates some of the disadvantages to consistently standing out from the crowd. Doing so means constantly being the object of other people's attention, making it difficult not to worry about what they are making of you (compare Wilchins 1997: 33-40). Life would be 'simpler' without these worries. Moreover, worrying constantly about what other people are making of you is exhausting – you get no moment of 'solace'. Finally, standing out from the crowd tends to preclude an 'undifferentiated being-with-others' in the sense of relating to others as one of them. For all these reasons, 'to be located and singled out [...] is rarely good news' (Riley 2000: 10).

Second, trans people's highly visible pursuit of interests-as-given strategies has plausibly helped expose the most vulnerable among them to record levels of anti-trans violence. Consider here that the publication of the "Tipping Point" issue of *Time* magazine is a moment about which many in the trans community in retrospect have rather mixed feelings. As trans elder and Stonewall veteran Miss Major Griffin-Gracy comments:

People all around the world were amazed by Laverne's cover story. However, for the girls who have to live on the streets and off their wits, this was not something that was beneficial to their existence. What I have noticed, since that happened, is that there are more girls being murdered or beaten up because the people who want to do these harmful things can't get to Laverne Cox. (2017: 26)

There are at least a couple of mechanisms by which trans people's highly visible pursuit of interests-as-given strategies seems inadvertently to be exposing the most vulnerable among them to unprecedented levels of violence. First, there is the mechanism highlighted in the passage just quoted. A transphobe cannot stand seeing a trans woman like Laverne Cox being successful and taking up space in public life; yet she is 'basically out of their reach, with the security that she has' (Griffin-Gracy et al. 2017: 26); so instead they take their anger out on the next trans woman whom they clock as trans. Second, trans people's growing hypervisibility has made clocking them as trans easier for transphobes intent on doing harm (Preciado 2020: 126; Stanley 2021: 87). That the pursuit of interests-as-given strategies has seemingly had this unintended downside is, of course, deeply unfair. Griffin-Gracy's exasperation is

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<sup>9</sup> In talking of a cis world here I have in mind María Lugones's notion of a "world" of sense (1987).

more-than-understandable when she concludes that '[t]here are two sides to every fucking coin; nothing is as simple as it appears to be' (2017: 26). Yet this is exactly the sort of phenomenon the hermeneutical injustice literature needs to take seriously if it is to preserve its 'methodological commitment to the primacy of the nonideal' (Medina 2013: 11).

Discussions of the pursuit of interests-as-given strategies in the hermeneutical injustice literature are almost always optimistic – as if this were a matter at minimum of taking 'two steps forward' for every 'one step back' (Fricker and Jenkins 2017: 277). This is perhaps another respect in which the literature has been held captive by the particular picture suggested by the example of Carmita Wood, insofar as the pursuit of interests-as-given strategies has indeed succeeded in making it much less likely for a hermeneutical injustice along quite those lines to occur today. In light of the limitations and downsides just discussed, however, to be similarly optimistic concerning trans people's pursuit of interests-as-given strategies in particular would seem somewhat cruel (Berlant 2011). Nevertheless, I think it would be a mistake to conclude that trans people ought to cease pursuing these strategies. For one thing, participation in hermeneutically powerful practices such as the arts, democratic engagement in the form of political activism, and displaying pride in one's identity are all to some extent intrinsically worthwhile. For another, ceasing to pursue these strategies would mean giving free reign to the anti-gender ideology movement's efforts at hermeneutical sabotage, with presumably catastrophic consequences. The conclusion I draw is thus rather twofold. First, when we do pursue these strategies we ought at least to do so in awareness of their limitations and downsides – so long as we are interested in pursuing an ethics of responsibility and not merely an ethics of conviction (Weber 2020). Second, it is worth asking what other sorts of strategy trans people can pursue to avoid suffering hermeneutical injustices in their interactions with cis people – a question to which I now turn.

#### **4. Infrapolitical Strategies for Preventing Hermeneutical Injustices**

Progress can be made on this question by returning to the examples of hermeneutical injustices given at the start of §3, and asking why in these cases trans people have interests in certain things about themselves being intelligible to cis people in the first place. The suggestion I want to explore is that trans people hoping to access gender-affirming healthcare under the gatekeeping model at least sometimes only have interests in their transness being intelligible to cis doctors because only then will those doctors supply them with gender-affirming healthcare; that trans people at least sometimes only have interests in it being intelligible to cis (prospective) friends and romantic partners that they are both trans and lovable as such because only then will those cis (prospective) friends and romantic partners love them for who they really are; and that trans philosophers working on trans topics at least sometimes only have interests in it being intelligible to mainstream practitioners that their work constitutes



(worthwhile) philosophy because only then will those mainstream practitioners reward them with their esteem and/or an opportunity to publish and/or even a job. To see that this suggestion is plausible, consider trans patients' own descriptions of the process of rendering their transness intelligible to cis doctors as 'invasive' and 'demeaning' (Pearce 2018: 66), or trans philosophers' own descriptions of the process of rendering their work intelligible to mainstream practitioners as (worthwhile) philosophy as an unpleasant inconvenience 'distracting' them from doing their 'best' and 'most exciting' work (Marvin 2024: 10; see also Zurn 2024). If these trans people do in fact attempt to render the relevant things about themselves intelligible to the relevant cis people, it seems unlikely in light of their descriptions that they do so because they consider it intrinsically in their interests for those things about themselves to be intelligible to those cis people. Rather, it seems much more likely that they do so because only if those things about themselves are intelligible to those cis people will those cis people provide them with the relevant needed good (compare Clanchy 2024: 694).

If this suggestion is accepted, then trans people at least sometimes only have interests in certain things about themselves being intelligible to cis people because only then will those cis people provide them with a needed good – whether that be a material good like gender-affirming healthcare or a social good like esteem.<sup>10</sup> It follows that if trans people could meet these needs without first rendering the relevant things about themselves intelligible to the relevant cis people, they would cease to have these interests. This opens the way to the pursuit of '*interests-in-question* strategies' (Clanchy 2024: 689) – strategies aimed instead at doing away with such interests in intelligibility and thus with the possibility of their unfair nonsatisfaction. Recall that a hermeneutical injustice was defined above as what a person *A* suffers iff both: '(i) *A* has an interest in something about themselves being intelligible to *B*; and (ii) this interest goes unsatisfied because *A* has, at least in part as a result of hermeneutical marginalization, at best ill-fitting concepts available to them with which to render this thing about themselves intelligible to *B*' (Clanchy 2024: 691). In terms of this definition, interests-in-question strategies aim instead at preventing condition (i) from obtaining (in which case trivially condition (ii) will not obtain either).

I have previously proposed one way to do away with relevant interests in intelligibility, namely getting would-be providers of needed goods to cease making their provision of those goods conditional on would-be beneficiaries first rendering the relevant things about themselves intelligible (Clanchy 2024: 703). For example, suppose a trans person only has an interest in their transness being intelligible to a cis doctor because the healthcare provider for whom that doctor works has made this a

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<sup>10</sup> Translated into a different register, the point here is that it is not generally-speaking always *intrinsically* in the interests of trans people to receive recognition from cis people (Wong forthcoming) – an instance of the broader claim that it is not generally-speaking always *intrinsically* in the interests of members of marginalized groups to receive recognition from members of dominant groups, as forcefully argued for by various critics of the Hegelian tradition (e.g. Oliver 2001; Coulthard 2014).

requirement for that doctor providing them with gender-affirming healthcare – i.e., because that healthcare provider operates under the gatekeeping model. One way to do away with this interest would be to get that healthcare provider to cease making this a requirement and instead allow that doctor to provide them with gender-affirming healthcare just so long as they give their informed consent – i.e., to get that healthcare provider to switch to operating under an informed consent model. However, especially in the context of the global trans panic persuading and/or successfully pressuring a healthcare provider to make this switch will likely be no easy task – meaning that the successful pursuit of this strategy is often likely realistic only in the longer term (Clanchy 2024: 705). Moreover, there is not always an equivalent strategy available in other cases – for example, there is no way to get a cis person to love a trans person for who they are without it being intelligible to the cis person that they are both trans and lovable as such.

Thankfully there is at least sometimes another way to go about doing away with relevant interests in intelligibility, namely finding ways to access needed goods other than from particular would-be providers whose provision of those goods is conditional on would-be beneficiaries first rendering certain things about themselves intelligible. For instance, trans people sometimes access hormones without prescriptions by ordering them from abroad, drawing on the trans community's epistemic resources to develop suitable regimens (for an autotheoretical account of DIY HRT, i.e. do-it-yourself hormone replacement therapy, see Preciado 2013; for a more thorough history, see Gill-Peterson forthcoming). Trans people also sometimes crowdfund to pay for gender-affirming surgery from healthcare providers already operating under an informed consent model, drawing this time on the trans community's financial resources (Barcelos 2022). Trans people sometimes meet their needs to be loved for who they are by embedding themselves within t4t (trans-for-trans) 'care web[s]', forming friendships and romantic relationships with other trans people to whom it is simply obvious that they are both trans and lovable as such (Malatino 2020: 2).<sup>11</sup> Finally, a trans philosopher working on trans topics may be able to meet their need for esteem and/or opportunities to publish (Stryker and Currah 2014) and/or even a job (Stryker 2020) by moving over into the discipline of trans studies, a discipline to a considerable extent created by and for trans people in which the worthwhileness of working on trans topics is taken for granted (Stryker and

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<sup>11</sup> A popular view holds that once you have formed a normatively justified friendship or romantic relationship its value is nonfungible, such that you would not cease to have interests in *that* friendship or romantic relationship going well just because you went on to form *other* friendships or romantic relationships (Helm 2023). If you subscribe to this view, then whether a trans person embedding themselves in a t4t care web does away with interests they have in it being intelligible to their existing (as opposed to merely prospective) cis friends and romantic partners that they are both trans and lovable as such will depend on the extent to which those existing friendships and relationships are normatively justified.

Aizura 2013).<sup>12</sup> The idea in all these cases is that when a trans person only has an interest in something about themselves being intelligible to a cis person because only then will that cis person provide them with a good they need, finding a way to access that good without first rendering that thing about themselves intelligible to that cis person is a way to do away with that interest and thus with the possibility of that interest's unfair nonsatisfaction.<sup>13</sup> It may be that they are able to access the good they need without that thing about themselves first being intelligible to anyone at all – as for instance is sometimes the case with DIY HRT. Alternatively, it may be they are able to access the good they need only once that thing about themselves is intelligible to certain fellow trans people – as for instance is the case with the formation of t4t care webs. Here the idea is that rendering that thing about themselves intelligible to those fellow trans people is unlikely to present many difficulties since crucial propositions (for example, “trans people are lovable as such”) already appear in the common ground (Stalnaker 2002).<sup>14</sup>

Two interrelated features of such strategies are worth noting. First, they all to a greater or lesser extent take the form of *mutual aid*, understood broadly as ‘collective coordination to meet each other’s needs, usually from an awareness that the systems we have in place are not going to meet them’ (Spade 2020a: 7). Second, they are all to a greater or lesser extent *infrapolitical*, in the sense that because they play out within a marginalized group rather than between a marginalized group and a dominant group (Scott 1990: Ch.7), they ‘don’t tend to register on the radar’ of the dominant group (Malatino 2019: 130; compare Collins 2000: 121-122). These are both significant advantages in the context of a backlash against a marginalized group by a dominant group, such as the global trans panic. After all, to the extent these strategies take the form of mutual aid they don’t depend on the cooperation of members of the dominant group for their success – unlike all previously proposed strategies for preventing hermeneutical injustices (see Pohlhaus 2020).<sup>15</sup> Likewise, to the extent these strategies are infrapolitical it is both difficult for members of the dominant group to interfere directly with their successful pursuit and unlikely for their pursuit to contribute

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<sup>12</sup> An anonymous reviewer points out that another way to go may be to work on more mainstream topics as a day job, while continuing to work on trans topics on the side.

<sup>13</sup> An anonymous reviewer points out that this could perhaps be understood as an exercise of *insurgent agency* (Bierria 2014: 140).

<sup>14</sup> An anonymous reviewer worries that what I am proposing here is simply that trans people can sometimes refrain from attempting to render certain things about themselves intelligible to certain cis people in order to avoid the unpleasant experience of those attempts being frustrated – in other words, that what I am proposing is simply that trans people can sometimes acquiesce to *hermeneutical smothering* (Beverley 2022: 437). But this is not at all what I am proposing. On the contrary, what I am proposing is that trans people can sometimes act so that it *ceases to matter to them* whether or not they succeed in rendering certain things about themselves intelligible to certain cis people. If they then in fact refrain from attempting to render those things about themselves intelligible to those cis people, this will primarily be because they no longer have anything to gain by doing so.

<sup>15</sup> Indeed, the pursuit of such strategies might in some cases verge on enacting a kind of ‘strategic separatism’ (Malatino 2022: 45).

unwittingly to members of the marginalized group becoming hypervisible and/or exposed to a heightened degree of violence. As such, these strategies look to be at least somewhat immune from the limitations and downsides to the pursuit of interests-as-given strategies identified in §3c.

This is not to deny that each of these strategies has specific problems of their own. For example, trans studies has notably been criticised for at times failing to sufficiently differentiate itself from queer studies (Chu and Harsin Drager 2019; Amin 2023); t4t relationships sometimes bring with them ‘internecine friction and baggage’ (Awkward-Rich and Malatino 2022: 6; see also Marvin 2022); and there are significant racial and gendered disparities in who manages to reach their goals when crowdfunding to pay for gender-affirming surgery (Barcelos 2020). Further, each of these strategies to some extent relies on structural/institutional affordances; and to the extent these structural/institutional affordances are limited, so is the scale on which these strategies can viably be pursued. For example, the limited extent of university funding for trans studies places limits on the number of job opportunities in the discipline (Adair et al. 2020); the limited affordability of living in certain dense urban centers places limits on who is able to join and form relationships within certain trans communities; and trans people’s limited income places limits on how much money is available for donation to crowdfunding efforts (Barcelos 2022). This reliance on structural/institutional affordances means moreover that though it may be difficult for cis people to interfere directly with trans people’s successful pursuit of these strategies, it is not so difficult for cis people to interfere *indirectly* with trans people’s successful pursuit of these strategies. For instance, cuts to higher education funding, the gentrification of dense urban centers, and the expansion of the carceral state all threaten to further limit the scale on which these strategies can viably be pursued. What this shows above all is the considerable importance of coalitional organizing first to resist such reactionary moves and then if possible actually to expand the structural/institutional affordances on which these strategies rely (compare Spade 2016).

An anonymous reviewer has a pair of interrelated further concerns about strategies of this sort, namely that there is a limit to the number of contexts in which they can be pursued and that their impacts look to be primarily individual rather than structural. It strikes me that there are a number of points worth making in response to this pair of concerns. First, I have described in this paper three different contexts in which trans people already pursue infrapolitical interests-in-question strategies: gender-affirming healthcare, intimate relationships, and academia. That trans people already pursue infrapolitical interests-in-question strategies in the first two of these contexts in particular is not something to be dismissed lightly, since these are surely among the most important contexts in which trans people suffer hermeneutical injustices. Second, I confess I am unsure in how many other contexts trans people may be able to pursue infrapolitical interests-in-question strategies to avoid suffering hermeneutical injustices. But this is a question to be settled through practical

experimentation, not *a priori*. As Hil Malatino observes, t4t is about ‘aiming high and taking what one can get’ (2022: 48). Third, infrapolitical interests-in-question strategies are best thought of as part of a *repertoire* of strategies for preventing hermeneutical injustices. Their pursuit is *one* way of intervening locally to prevent *some* hermeneutical injustices – no more, but also no less. Fourth, it is true that doing away with hermeneutical injustices *altogether* is likely to require the pursuit of strategies whose structural impacts are greater than those of infrapolitical interests-in-question strategies.<sup>16</sup> But identifying what it would take to do away with hermeneutical injustices altogether is a significantly more utopian project than the one animating this paper, namely that of identifying how particular hermeneutical injustices can be prevented in the ‘unjust meantime’ (Jaggar 2019) – call this finding ways to survive the disaster that is the global trans panic (compare Firth 2022). Here my inspiration has been James C. Scott, who emphasizes that in times such as these ‘infrapolitics remain as a defense in depth of the powerless’ (1990: 203). Finally, the pursuit of these infrapolitical interests-in-question strategies is plausibly capable of having *indirect* structural impacts. After all, to the extent these strategies take the form of mutual aid their pursuit is plausibly liable to energize (Proctor 2024: 102), mobilize, and build solidarity amongst trans people (Spade 2020b: 139) – all of which a trans liberation movement will require if it is to succeed in bringing about the kind of structural changes that trans people so desperately need. In sum, then, we can say: ‘[f]raught, imperfect, and ongoing: this is perhaps the best characterization of t4t practice in this long meanwhile, living as we do sometime after some supposed tipping point but a long way off from anything resembling justice’ (Awkward-Rich and Malatino 2022: 7).

## 5. Conclusion: Turning Inquiry Around on the Pivot of Real Need

In this paper I have argued for two key points. The first is that the pursuit of interests-as-given strategies to prevent hermeneutical injustices can sometimes be both ineffective and a generator of negative externalities – for instance, in the midst of the global trans panic. The second is that it is sometimes possible to go about preventing hermeneutical injustices very differently, namely by pursuing what I have described as infrapolitical interests-in-question strategies – for instance, DIY HRT. Since the pursuit of interests-as-given strategies is generally presumed in the epistemic injustice literature to be the only way to go about preventing hermeneutical injustices, my hope is to have provided those invested in this literature with some useful ‘epistemic friction’ (Medina 2013: 50) – thereby prompting them to think again.

I want to close with some brief comments on the wider programmatic significance of my argument. First, Fricker’s stated ambition in introducing the notion of *epistemic*

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<sup>16</sup> This is another reason to continue to fight for a greater degree of participation in hermeneutically powerful practices (Fricker 2016: 175), in spite of the limitations and downsides to this strategy discussed in §3.

*injustice* was to develop a ‘truly social’ epistemology (1998). By opening an inquiry into why people possess at least some of their interests in intelligibility in the first place, I hope to have taken a novel step towards realizing this ambition.<sup>17</sup> Likewise, when it comes to preventing epistemic injustices Fricker has asserted that she thinks ‘we should do whatever works’ (2010: 66). In developing the idea of an infrapolitical interests-in-question strategy for preventing hermeneutical injustices, I take myself to have proceeded in something of the same pragmatic spirit.<sup>18</sup> Thus though in the course of this paper I have outlined a number of departures from Fricker, there are also some significant respects in which I think of this paper as following through on the promise of Fricker’s work.

Second, much ink has been spilt in trans philosophy accounting for what it means to be trans and indeed what it means to have a gender identity at all (Hernandez and Bell forthcoming). By contrast, I have striven throughout this paper to attend not to the meanings of such terms, but rather to some of their more prominent uses

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<sup>17</sup> An anonymous reviewer worries that because the infrapolitical interests-in-question strategies I have outlined in this paper are pursued by individuals with the aim of avoiding particular hermeneutical injustices in interactions with particular others, I have a rather individualistic and thus not in fact a truly social understanding of hermeneutical injustice. I have three responses to this worry. First, this neglects the extent to which the infrapolitical interests-in-question strategies I have outlined are pursued by individuals *in community with one another* – that is, the extent to which these strategies take the form of mutual aid. Second, when I say that I hope to have taken a novel step towards developing a truly social epistemology what I mean is that I hope to have taken a novel step towards developing a truly social understanding of the *underlying causes* of a particular subset of hermeneutical injustices. In particular, social structures (e.g. academic philosophy’s culture of justification) sometimes *give* certain members of a marginalized group (e.g. trans philosophers working on trans topics) interests in certain things about themselves (e.g. how their work counts as (worthwhile) philosophy) being intelligible to certain members of a dominant group (e.g. cis mainstream practitioners) that they otherwise would not possess, and it is this *in combination with* their group’s hermeneutical marginalization which renders those marginalized group members vulnerable to suffering hermeneutical injustices in their interactions with those dominant group members (compare Clanchy 2024: 298). It takes nothing away from this understanding of the underlying causes of this particular subset of hermeneutical injustices to acknowledge that individuals can sometimes take steps to avoid suffering hermeneutical injustices in this subset. Third, this does not take into account that I end §3 by endorsing the continued pursuit of interests-as-given strategies despite their limitations and downsides. In other words, I am explicitly in favor of pursuing a wide range of strategies for preventing hermeneutical injustices and not only those which might be construed as more individualistic. The same reviewer worries that I have not taken a novel step towards developing a truly social *epistemology* because the infrapolitical interests-in-question strategies I have outlined do not make a difference to the *epistemic* situation of the people that pursue them. This worry implicitly construes people’s epistemic situation narrowly, in terms simply of what they are in a position to understand and/or communicate. Yet a *truly social* epistemology is surely one which construes people’s epistemic situation more broadly, not only in terms of what they are in a position to understand and/or communicate but also in terms of *what it matters* that they be in a position to understand and/or communicate (compare Lorenzini 2023); and people’s successful pursuit of infrapolitical interests-in-question strategies does indeed make a difference to what it matters that they be in a position to communicate.

<sup>18</sup> Specifically, I take myself to have proceeded in the spirit of what Grace Lavery theorizes as *trans pragmatism* (2023: x-xi).

(Wittgenstein 2009: §43). I have done so because this has seemed to me to be a way of turning inquiry around ‘on the pivot of our real need’ (Wittgenstein 2009: §108) – or rather, on the pivot of real needs ‘experienced – and theorized – from the perspective of those who have been variously oppressed, subordinated, and marginalized’ (Scheman 2020: 473-474; quoted in Ernst 2024: 97-98).<sup>19</sup> Whether I am correct in this perception I leave it to the reader to judge.

## Acknowledgments

Many thanks to Amandine Catala, Rachel Fraser, Rhea Ienni, Anna Klieber and the other members of the Trans Philosophy reading group, Corinne Lajoie, Zoey Lavallee, Lauren Lyons, Aidan McGlynn, Anna Milioni, Amia Srinivasan, George Surtees, Livia von Samson, Jordan Walters, Rory Wilson, Jules Wong, an audience at le Centre de Recherche en Éthique at the University of Montréal, and two anonymous referees at *Ergo* for questions, comments, thoughts, and conversations that helped shape this paper. Work on this project was jointly funded by the Canada Research Chair on Epistemic Injustice and Agency at the University of Québec at Montréal and le Centre de Recherche en Éthique at the University of Montréal.

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<sup>19</sup> This invocation of Wittgenstein is inspired by Stanley Cavell’s suggestion that a left-wing appropriation of his later work begin from his talk of *need* (1989: 45) – call this a possible starting point in particular for a *Wittgensteinian anarchism*.

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