

Epistemically Contaminated Non-Binary Aesthetic Self-Expression: A New Form of Hermeneutical Injustice

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Abstract

This paper argues that aesthetic self-expression, the investigation and communication of one's interests, tastes, beliefs and passions, can be a useful method of gaining self-knowledge. Further, I argue that when this exercise is wrongfully inhibited, this can be an instance of hermeneutical injustice, the unjust obscuration of one's experiences from collective understanding, to follow Fricker's analysis. Specifically, my focus is on how cognitive hermeneutical injustice, the unjust inhibition of one's ability to *make sense* of their experiences, might arise from having one's aesthetic self-expression compromised. My core case centres around how non-binary people experience barriers to self-expression and how this in turn may wrongfully affect their ability to make sense of their experiences. I argue that this hindered self-expression is the product of epistemic contamination – the conceptual load of an aesthetic product or practice limiting a person's ability to engage freely in self-expression. This discussion concludes that Epistemically Contaminated Aesthetic Self-Expression (ECASE) is not merely an instance of hermeneutical injustice specific to non-binary people but is a form of hermeneutical injustice that poses a wider risk.

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§ 0. Introduction

The focus of non-binary hermeneutic literature has been on the presence of traditional epistemic barriers towards non-binary people and its communicative harm². Notably, this has included the hermeneutical injustices prompted by structural grammatical exclusion, gatekeeping via intelligibility in access to gender affirming healthcare, and category invalidation³. This current literature has done the groundwork in establishing an understanding of the dominant binary gender framework as a hostile epistemic environment. This is an environment that significantly hinders one's ability to know something, an environment that might lead to hermeneutical injustice. Following this, I want to highlight the *cognitive* hermeneutical injustice that can follow from the same poor epistemic conditions, and in doing so, pertaining to the experiences of non-binary people, bring into light a novel form of cognitive hermeneutical injustice.

Specifically, my aim in this paper is to introduce epistemic contamination of aesthetic self-expression *qua* aesthetic objects and aesthetic environments as a form of cognitive hermeneutical injustice. In section 1, I will explain what hermeneutical injustice is and the kinds relevant to this essay. In section 2, I will establish what I mean by aesthetic self-expression (ASE) and in which conditions this appears to have epistemic value. In section 3, I will argue for the main claims in 3.1, that non-binary people are in a position of epistemic hostility, and in 3.2, that the epistemic contamination that follows from this hostility negatively affects the epistemic potential of ASE. Finally, I conclude that Epistemically Contaminated Aesthetic Self-Expression (ECASE) is a form of cognitive hermeneutical injustice, which I discuss in section 4.

Firstly, however, I will explain some key terms that will be used throughout the paper. 'Epistemic' relates to knowledge and how we come to know things. This paper focuses on knowledge about oneself and one's identity. 'Hermeneutics' describes the study of interpretation. Here, it is used in reference to one's understanding and ability to interpret *oneself*, as inspired by Miranda Fricker's work on hermeneutical injustice⁴. The kind of 'self-expression' I discuss is directly tied up to ideas of the 'aesthetic'- the realm of art and related sensory experiences⁵. The aesthetic self-expression to which this paper refers is the aesthetic practices and

²'Non-binary' in this paper refers to all gender identities that fall outside of the male/female binary standard. I thus use it as an umbrella term, rather than a singular gender category.

³ Carmona, Carla, (2022). Binarism Grammatical Lacuna as an Ensemble of Diverse Epistemic Injustices, *Social Epistemology*, 37(3), pp.339–363; Porkkala, Siiri (2024) Hermeneutical Injustice, Nonbinary Gender Identities and Category Invalidation, *Social Epistemology*, 39(4), pp.1–11; Rosola, Martina, (2024) Linguistic Hermeneutical Injustice, *Social Epistemology*, 39(4), pp.1–11; Clanchy, Nick. (2024) *Tackling Hermeneutical Injustices in Gender-Affirming Healthcare*.

⁴ Fricker, Miranda, (2007) Hermeneutical Injustice, In *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford: Oxford University Press.

⁵ I keep my reference of the aesthetic intentionally vague and open here, to accommodate differing views on what makes something strictly aesthetic rather than affective. I merely use the phrase to gesture at that school of thought and bridge a connection between the aesthetic and the epistemic.

related products one engages with to communicate and investigate their like or affinity towards something. This can range from traditional aesthetics like making music to mundane self-expressive efforts, like making one's handwriting appear more feminine.

§ 1. Hermeneutical Injustice

This section outlines the explanatory groundwork necessary to establish the paper's main claim about *Epistemically Contaminated Aesthetic Self-Expression* (ECASE) as a form of hermeneutical injustice. Namely, we need to understand what hermeneutical injustice is and to specify the kind of hermeneutical injustice relevant to this discussion. As coined by Fricker, hermeneutical injustice describes 'the injustice of having some significant area of one's social experience obscured from collective understanding owing to hermeneutical marginalization.'⁶

As prompted by the distinction made by Goetze, we can unpack this definition by explaining hermeneutical injustice in terms of its primary harm: communicative or cognitive⁷. *Communicative* hermeneutical injustice is when 'the subject is rendered unable to make communicatively intelligible something which it is particularly in his or her interests to be able to render intelligible.'⁸ To use Fricker's example, Carmita Wood was a victim of sexual harassment by her boss⁹. Subsequent trauma led to Wood developing chronic pain which forced her to quit her job. When filing for unemployment insurance, she did not have the term 'sexual harassment' available to her (both as a tick-box option on the unemployment forms nor in her vocabulary) to explain her reasons for having to quit. After describing her reasons for quitting as 'personal', her insurance claim was denied. The inability to communicate her experiences, separable from its harmful consequences relating to her employment status, is an instance of communicative hermeneutical injustice.

Cognitive hermeneutical injustice is when the subject cannot make sense of their own experiences, owing to a lack of appropriate conceptual resources¹⁰. These resources can include the words necessary to describe one's experience, or the conceptual frameworks to draw upon when making sense of something. Here, the unintelligibility of the experience is a problem for the subject themselves and, following Fricker's discussion, appears to relate to a harm to one's cognitive faculties, one's *ability* to understand a specific subject¹¹. In Wood's case, this is a subsequent inability to make sense of the traumatic experience. This inability to place what happened to her into a wider concept of what sexual harassment is and

⁶ Fricker, *Hermeneutical Injustice*, 158.

⁷ Goetze, Trystan, S, (2018) *Hermeneutical Dissent and the Species of Hermeneutical Injustice*, *Hypatia*, 33(1), 73-90.

⁸ Fricker, *Hermeneutical Injustice*, 162.

⁹ Fricker, *Hermeneutical Injustice*, 149-151.

¹⁰ Goetze, *Hermeneutical Dissent and the Species of Hermeneutical Injustice*; Fricker, *Hermeneutical Injustice*.

¹¹ Fricker, *Hermeneutical Injustice*.

how she is not to blame may have caused severe psychic and emotional harm. This paper strictly discusses ECASE's cognitive harms, the harms of it being harder to make one's gender identity intelligible to oneself¹².

Both kinds of hermeneutical injustice require *hermeneutical marginalisation* as a prerequisite. A group is hermeneutically marginalised when they are in a position of unequal hermeneutic participation in regards to 'some significant area(s) of social experience.'¹³ When a group is not being given ample power in developing shared cognitive resources within the social imaginary, particularly those that are significant to their social experiences, they are victims of hermeneutical marginalisation. In Wood's case, this is women's unequal participation in defining how the (mis)treatment of women is conceptualised in the workplace.

The product of this marginalisation is a lacuna in the collective understanding where ample resources to make sense of their experiences should lie. Each lacuna includes, in its commitment to the exclusion of those marginalised experiences, alternate explanations for those experiences. This appears one major way in which the 'whole engine of collective social meaning is effectively geared to keeping these obscured experiences out of sight.'¹⁴ In Wood's case, the sexual harassment she experienced was considered harmless workplace flirting¹⁵. In the moment of realisation where Wood helped conceive the term 'sexual harassment', she didn't merely fill a missing hermeneutical lacuna but also pulled away a narrative blanket intended to conceal the true nature of that experience.

Finally, all kinds of hermeneutical injustice require that the epistemic harm done to that person is genuinely wrongful, rather than be the product of epistemic bad luck¹⁶. While it might be upsetting to not know what will happen when one dies or cognitively challenging to forget things as one gets older, these are only instances of epistemic bad luck. The lack of conceptual resources available to Wood were not epistemic bad luck, but the product of unjust hermeneutical marginalisation which resulted in a hermeneutical injustice.

The shared inherent harm across instances of hermeneutical injustice is damage to one's ability to make sense of their experiences and themselves. Often unknown and unnamed is the self-blame, confusion, and shame that follows from being unable to explain and understand what has happened to you and who you are. It's effect burrows deep into one's position not only as a social agent (in its ability to reinforce unjust power structures like the patriarchal dynamic existing in Wood's case by keeping her silent and at a hermeneutic disadvantage) but also in one's position as an individual, one's ability to see themselves clearly and be understood within a

¹² I suspect that communicative hermeneutical injustice also occurs in cases of ECASE, however, I am limited to the available discussion space here and must leave this to be discussed elsewhere.

¹³ Fricker, *Hermeneutical Injustice*, 153.

¹⁴ Fricker, *Hermeneutical Injustice*, 153.

¹⁵ Fricker, *Hermeneutical Injustice*, 148-152; Susan, Brownmiller, (1990) *In Our Time: Memoir of a Revolution*, New York: Dial Press, 182.

¹⁶ Fricker, *Hermeneutical Injustice*, 151.

social space. Being barred access to oneself in this way is part of what makes hermeneutical injustice so unjust.

Having explained the stakes and conditions of hermeneutical injustice, I can now begin to explain where aesthetic self-expression plays a role.

§ 1. The Epistemic Relevance of Aesthetic Self-Expression

This section seeks to establish this paper's first core claim: (playful) aesthetic self-expression functions as a key method for furthering self-understanding. I thus argue that aesthetic self-expression (ASE) is epistemically valuable, particularly while attempting to understand oneself when typical epistemic resources are scarce or otherwise unavailable.

'Self-expression' is often used in reference to the management and manipulation of our personal aesthetic presentations. For the purposes of this essay, 'self-expression' will relate to the following:

Expressing one's genuine interest in or alignment with something; a way of signalling and engaging with something one likes/ stands for / is interested in / is a relevant feature of *who one is*, often through aesthetic means.

For instance, someone might engage in self-expression by adhering to the aesthetic norms of the music subculture they are a part of, such as a punk enjoyer wearing leather jackets with political patches. This communicates to others their identity and allows the person to engage with a culture/idea/norm that is important to them through aesthetic means. As such, we expect self-expression to be authentic and thus autonomous. From this, we see how one's understanding of the self can be reflected in one's aesthetic engagements and commitments.

However, this paper suggests that in many cases, such as the examples below, our ASE does not merely *reflect* who we are, but rather, is a key method for us to *develop our understanding* of who we are and/or make sense of our experiences:

Case 1: Katie uses art as a means of therapy: 'Art is a tool that helps me manage some of the challenges created by life's changing circumstances. Making things is such a beautiful gift, even if it cannot entirely solve every issue, it can soothe and *help me process things* [...] Get lost in some intentional *play*, and find some *clarity* and calm along the way.'¹⁷

Case 2: A is a trans woman and member of the hijra community. In childhood, A felt conflicted about her gender identity, having had no one she felt she could confide in ('I could not talk to anyone about my confusions') and no way to explore her identity¹⁸. However, she recounts multiple instances where

¹⁷ Chandler, Katie, (2019) "*Art Has Been a Healing Tool.*" Emphasis added.

¹⁸ Revathi, A and V Geetha, (2010) *The Truth about Me: A Hijra Life Story*, London: Penguin Books. See 6.

a more flexible aesthetic context allowed for revelatory aesthetic experiences. For example, she found a rare opportunity to play the part of a kurathi in the local Mariamman festival: 'To the world, it appeared that I was dressing up and playing a woman, but inside, I felt I was a woman. [...] I looked at myself in the mirror several times, *astonished at what I had become*.'¹⁹ A talks about moments like these as crucial in cueing her into being a woman: 'I looked at myself in the mirror and felt a glow of pride. I did look like a woman. It was at that moment that I was convinced I was indeed one.'²⁰

What these cases share is that some barrier to understanding was overcome in part due to an investigative and playful kind of aesthetic self-expression (ASE). In case 1, this barrier appears to be an internal hostile epistemic environment affected by her mental health issues. While Katie may have also benefited from traditional talking therapy, she says that the medium of art helps calm her into a position where she is better equipped to explore and understand herself. Seemingly for Katie, there is epistemic and aesthetic value in both the process and the cognitive results of art making.

In case 2, this barrier appears to be the result of an external hostile epistemic environment. This is shown in the lack of traditional epistemic resources available to her, such as listening to another trans person's testimony or talking her feelings through with someone directly. Similarly to Katie, A seems to have been able to use aesthetic expression as an epistemic tool to better make sense of her experiences, despite them being in different epistemic positions.

To engage in self-expressive aesthetic endeavours like these seems to require a level of emotional and physical safety, especially for those whose identities are (hermeneutically) marginalised. Even when someone is just trying out a new hairstyle, anxieties about ridicule, shame, embarrassment, concerns about cost, and such, may limit that person's ability to adopt new self-conceptions. These self-expressive exercises are, by nature, a little intimidating, as one is offering themselves up to potentially different and perhaps harmful treatment by others. This is particularly true of marginalised people, as their aesthetic self-expression is more likely to be scrutinised and stereotyped by those around them²¹. As such, ASE seems to require that one is assured of the safety and freedoms of their self-expressive exercises.

Further, both cases seem to involve a gradual revelatory experience, something investigative, cautious and playful, rather than a singular moment of realisation. Taking the former as the process of ASE's epistemic benefits seems not only more accurate to these cases, but in A's case, also avoids a pervasive stereotype, that trans people have this specific moment in childhood, usually a matter of trying on their mother's clothes in secret, which revealed to them a fully formed gender identity

¹⁹ Revathi, *The Truth about Me: A Hijra Life Story*, 9-12. Emphasis added.

²⁰ Revathi, *The Truth about Me: A Hijra Life Story*, 16.

²¹ Thank you to the UPJA team for this added point.

that had been lurking under the surface since birth²². Rather than frame A's experiences within this conception, I am discussing it as it appears to actually stand: one of many accruing moments in which the visual cues of her aesthetic self-expression and her reactions to it taught her about who she is: 'I experienced a *growing sense* of irrepressible femaleness, which haunted me, day in and day out.'²³

These self-expressive revelations are important in navigating our identities and how we exist in relation to the rest of the social world. It makes one able to communicate to others who they are, understand how they relate to others with contrasting and shared identity markers, and develop their sense of personal identity. For example, wearing a suit might appear mundane, but really may help that person find a feeling of unity in a workplace, communicate to others the kind of work they do, and signal to themselves that this is a new chapter in who they are becoming. For those marginalised individuals already pushed out of the dominant social imaginary, finding and understanding one's place in the world seems particularly important for their epistemic and general wellbeing, and self-expression seems a means of doing so.

In understanding ASE's epistemic benefits as being gradually and intermittently released, rather than some grand and singular revelation, ASE is better epistemically accounted for and better suited for the topic at hand: self-development and realisation. This also aligns with Katie's testimony in Case 1: 'I like to think of my personal practice as an *ongoing relationship with my curiosity*, allowing me to both explore and to express.'; 'For me, there hasn't been one, defining "aha!" moment of appreciation, but rather small moments I've connected over time.'²⁴

Specifically, in the case of non-binary ASE, my interest more directly is: 'I know I am not strictly a man or a woman. But this leaves me with a larger question that calls for aesthetic-expressive exploration and investigation: what *am* I? what does non-binary mean *in relation to me*?'.

§ 3. Barriers to Non-Binary Self-Expression

I now move on to establishing my second main claim: non-binary people experience barriers to aesthetic self-expression that prevent them from being able to gain its epistemic benefits.

²² Alabanza, Travis (2023). *None of the Above: Life beyond the Binary*. Feminist Press at CUNY. See 15-34. This stereotype is deemed wrongful, partially, in that it attempts to frame a trans person's experience as affirming the dominant binary framework's conceptions of binary gender as constant, pre-established, and verifiable, when in truth, that framework excludes the significant gender innovation and investigations of trans individuals and communities.

²³ Revathi, *The Truth about Me: A Hijra Life Story*, 10. Emphasis added.

²⁴ Chandler, "Art Has Been a Healing Tool".

§ 3.1 The Dominant Framework as a Hostile Epistemic Environment

In this subsection, I argue that the dominant binary gender framework—the richly detailed and ubiquitous notion of gender being a matter of maleness and an oppositional femaleness—is epistemically hostile towards non-binary people.

As part of non-binary people's marginalisation as a social category, the collectively shared conceptual resources do not include them and their experiences²⁵. Specifically, the dominant view of gender that informs most people's ASE is binary (male/female) and, due to a lack of hermeneutical participation on behalf of non-binary persons, does not acknowledge their experiences within and *beyond* its framework. Following the descriptions of hermeneutical marginalisation and injustice in 1, this consequent socio-epistemic position is one of hermeneutical marginalisation.

Recall that hermeneutical injustice involves a lacuna and narrative blanket that conceals the true nature of marginalised people's experiences. Non-binary people are hermeneutically marginalised insofar as their experience of gender is a lacuna in the binary gender framework. Where non-binary individuals do exist within the social imaginary, their identity is considered a fault of their own imagination. This perception of non-binary people paints non-binary individuals as not just false, but as dangerous and unpleasant: the collective understanding of the non-binary person is that of a threat to women's safety and feminist aims, mentally unhealthy and less competent than men or women, and even delusional, attention seeking, and the product of indoctrination²⁶. This perception of non-binary people, I argue, acts as a narrative blanket that shields uptake and understanding of non-binary identities and gender frameworks, to non-binary people and binary-gendered people alike.

This marginalisation of non-binary people means that they have limited appropriate and helpful collective conceptual resources available to make their experiences intelligible (to themselves and to others)²⁷. This results in a hostile epistemic environment from which non-binary people experience barriers to understanding. Therefore, the dominant gender framework produces a hostile epistemic environment for non-binary people, namely one that hermeneutically marginalises.

²⁵ Porkkala, *Hermeneutical Injustice, Nonbinary Gender Identities and Category Invalidation*.

²⁶ Fair Play For Women, (2021) "Non-Binary: The New Wolf in Sheep's Clothing Fair Play for Women." Fair Play for Women; McCarty, Megan, K, and Burt, Anna, H (2024) *Understanding Perceptions of Gender Non-Binary People: Consensual and Unique Stereotypes and Prejudice, Sex Roles*, 90; Murray, Douglas. 2022. "Non-Binary Is Short for 'Look at Me': Douglas Murray." Fox News. Many of these beliefs extend to the trans community as a whole. This suggests that a narrative blanket can extend beyond merely one subset of a group and perhaps even that these blankets might layer over one another in accordance with one's different identities.

²⁷ While a worthy consideration, I do not have space here to adequately discuss how hermeneutical marginalisation might dissipate in more accepting spaces. For discussion on this, please refer to Goetz's work on global and local hermeneutical economies in Goetze, Trystan S (2017) "*Hermeneutical Dissent and the Species of Hermeneutical Injustice*." *Hypatia* 33 (1): 73–90.

§ 3.2 Epistemically contaminated aesthetic self-expression (ECASE)

Following the discussion in section 2, that the dominant gender framework is a hostile epistemic environment to nonbinary people provides a great opportunity to use aesthetic self-expression as a cognitive tool to gain understanding in the face of a bad epistemic environment. In situations of epistemic hostility, ASE seems to be able to substitute for the typical epistemic routes to self-understanding and give us little signs as to who we are. So, when testimony is rejected and epistemic resources are scarce, ASE appears to be a route to finding glimmers of understanding through the conceptual dark glass, as Fricker puts it²⁸. So, looking at A's case again, as a binary trans person, she appears to be in an environment characterised by typical epistemic hostility. Generally, her identity is ridiculed and overtly sexualised by those around her, meaning she can't rely on typical epistemic resources like talking her identity through with someone²⁹. As such, the potential for epistemically beneficial conversations is limited and she is at a hermeneutical disadvantage.

Fortunately for A, however, the basis of A's gender identity as a woman is richly developed, including an aesthetic basis. This bank of epistemically loaded aesthetic conceptual material is seemingly what allowed for those precious aesthetic experiences to have their potent epistemic effects. What seems to have allowed for A's realisation of herself as a woman is a clear idea of what a woman tends to look like and seeing herself resemble this cognitive nest of aesthetic and social associations. Through ASE, those special moments where she was allowed to express herself lead to knowledge about herself; ASE was a valuable epistemic resource for her.

However, there seems to be two conditions under which the epistemic benefits of ASE are made less accessible: epistemic contamination of the aesthetic environment and epistemic contamination of relevant aesthetic objects. I refer to these under the umbrella of ECASE (Epistemic Contamination of Aesthetic Self-Expression).

Firstly, ASE can be prevented from eliciting those epistemic benefits when an exclusionary and/or false understanding is dominating the aesthetic playground. Seemingly, non-hostile aesthetic environments are only available as precious opportunities that allow for ASE when there are gaps or loopholes in the conceptual narratives about gender. So, for instance, in A's case, those revelatory experiences of ASE were only possible because of local festival shows that would allow for her to wear a costume, or in environments where people she knew from her hometown would not see her:

²⁸ Fricker, *Hermeneutical Injustice*, 148.

²⁹ Revathi, *The Truth about Me: A Hijra Life Story*.

'I insisted that I had [dressed up in the festival] for the goddess and so got away with it. On that occasion, my family decided not to make much of my dressing up and dancing.'³⁰

"Why behave like this on a bus? Why apply make-up here? Look at how they're talking about us.' To which [the hijras whom she is travelling with] replied: 'Keep quiet! We can't be ourselves at home or do what we want to. There isn't anyone on this bus who knows us. *It's only like this, without anyone at home knowing, that can we do what we wish to do*—express our desire to be women.'³¹

So, while ASE can undermine the hostility of an epistemic environment through providing insight, it still is governed by that environment. This is the first kind of epistemic contamination – the pernicious conceptual load of an environment affecting someone's ability to conceptualise within it.

Secondly, the epistemic potential of ASE does not seem to be realised in cases where the epistemic hostility has leached into the aesthetic options themselves. In the case of non-binary ASE, the epistemic-aesthetic options within various performative art forms, sports, fashion, and so on, are regularly and overwhelmingly engendered and binary coded. In this we see epistemic contamination of aesthetic objects – the pernicious conceptual load of an environment affecting the aesthetic objects that lie within it, and thus, our ability to engage freely with them. Unfortunately, both kinds of epistemic contamination can be seen in the case of non-binary ASE, thereby hindering access to ASE's epistemic benefits.

The epistemic contamination of aesthetic environments and of objects are likely to overlap and influence one another, like in the following example:

Aesthetic environments, like a hairdresser's wherein you can experiment with new self-expressive grooming styles, are overwhelmingly structurally epistemically contaminated. Finding a stylist who is willing to cut your hair to your liking is hard enough for most people, without also having to find someone who will cut your hair without misgendering you (especially if you're going for a style that is typical of your assumed sex), or will actually go for the gendered style you're requesting (if you're visually gender non-conforming). Additionally, there are gendered pricings whether you go to a barber or a hairdresser and added issues around finding a stylist who will work with your hair type. So, for some with black hair types wanting gender non-conforming styles, they can expect a much harder time reaping epistemic benefits from an emotionally, financially and stylistically risky experience than a cis white gender-conforming person might when getting their hair cut.

³⁰ Revathi, *The Truth about Me: A Hijra Life Story*, 10.

³¹ Revathi, *The Truth about Me: A Hijra Life Story*, 15. Emphasis added.

The aesthetic options available when cutting your hair can also be difficult to navigate when hairstyles are gender coded. The pleasurable sensations of having long/short hair and the related aesthetic experiences possible with each (braiding, updos, etc), are to be considered alongside and potentially in conflict with the gendered look they are assigned to. Further, your desires for a style that represents you might have to be weighed up against what is considered 'appropriate' for your gender at your workplace and what will likely incur negative or positive treatment from others. It is thus, I argue, incredibly difficult to feel represented as a not-man-or-woman by aesthetic options that all carry the epistemic load of "man" or "woman".

This navigation between what a person wants in line with their gender and thus ASE and what is expected of their gender presentation brings into focus two features of epistemically contaminated aesthetic environments for non-binary people: the notion of androgyny and the threat of violence.

On top of those narratives surrounding non-binary people about mental illness and so on mentioned in 3.1, is a clear and flat conceptual image of what a non-binary person looks like. They have blue hair, are skinny, assigned female at birth (AFAB) and take on feminine social roles, and white³². When someone doesn't fit this stereotype, it's difficult to see themselves resemble the cognitive and social nest of associations of this identity. Thus, one is likely to struggle to have the same revelatory experience as discussed with A in 2.

Following the widespread internalisation of this perception is an expectation of performed androgyny. The notion of androgyny typically translates to a delicate balance of typical gendered features (e.g. makeup and a beard). Meeting this standard often means a tacit request to offset the gender coded body you live in, whether this be through what you wear (e.g. wearing more feminine clothes if you're assigned male at birth (AMAB), because trousers, while considered 'gender neutral' are not treated as such on an AMAB body) or adapting your frame (e.g. non-binary people who were assigned female at birth being expected to hide or even surgically modify their chest and hips). With this in view, even aesthetic options that, at first blush, seem epistemically uncontaminated, like supposedly gender-neutral or androgynous aesthetic figures and items, appear to also be contaminated by lingering binary conceptual frameworks. This culminates in a standard to the spirit of "you don't have to be seen as one gender or the other, just as long as you look like

³² MacLean, Grace, (2026) *Of course you have blue hair and pronouns!*, Varsity Online; Bashforth, Emily. (2021). *The pressure to be thin as a non-binary person*, LGBTQ Nation; Klysing, Amanda, Marie Gustafsson Sendén, Emma Renström, and Anna Lindqvist (2023) "Gendered Stereotype Content for People with a Nonbinary Gender Identity." *Routledge Open Research* 2 (November): 45; Alabanza, *None of the Above: Life beyond the Binary*.

both in equal measure". This restricts the kind of autonomous expressive freedom ASE requires. So, even when non-binary people are interested in meeting this aesthetic goal in hopes of receiving appropriate gendered treatment in response to their presentations, this is difficult to do in an affirmative fashion.

Together, these considerations conceptually flood the aesthetic playing field and the epistemic hostility of that environment is exacerbated by literal hostility and aggression seen in anti-trans violence.

'Being visibly trans, consistently read as failing at either male or female gender, means I am lucky to walk outside and not be shouted at, or laughed at, or filmed within the space of a day.'³³

When the epistemic contamination of aesthetic environments (for all trans people) includes a threat of violence, ASE isn't just difficult; it's dangerous. This fails ASE's safety requirement. As such, the epistemic contamination of non-binary ASE appears to limit ASE's revelatory possibilities.

A potential objection to this argument might be that non-binary people, in identifying as non-binary, reject the dominant binary framework. As such, the deconstruction of the dominant framework they've already done will likely bleed into their understanding and approach to gendered presentation. For instance, consider the following example:

'In an interview with The Washington Post, 18-year-old Kelsey Beckham, who identifies as nonbinary, states: "I don't want to be a girl wearing boy's clothes, nor do I want to be a girl who presents as a boy... I just want to be a person who is recognized as a person. That's how I'm most comfortable. *I'm just a person wearing people clothes...*"'³⁴

Kelsey's testimony suggests that, in having deconstructed their view of gender enough to not identify with the strict binary categories, they have undergone a kind of epistemic de-contamination of self-expressive aesthetic options. Thus, this epistemic contamination might not prove such an issue for non-binary people when they have already undergone the necessary gender deconstruction to be unenthused by the binary gendered framework.

However, this quote precisely captures the problem I am talking about. In it, Kelsey expresses a desire to be recognised, not as a man or a woman, but as 'a person wearing people clothes.' While clothing may be just different cuts of fabric with a strange amass of social connotations, this conceptual weight is so readily applied to these clothes that it is hard not to feel like the clothes have these ideas weaved into them. That is, while we might think (or at least hope) that it is possible to

³³ Alabanza, *None of the Above: Life beyond the Binary*, 38.

³⁴ Dembroff, Robin, (2020) *Beyond Binary: Genderqueer as Critical Gender Kind*. *Philosopher's Imprint*, 20(9). See 7. Emphasis original.

epistemically decontaminate these aesthetic options, or be undeterred by these frameworks, it is problematic that non-binary people should have to undergo the presumably epistemically hefty task of decontaminating such widely and severely gendered aesthetic options and environments. For instance, when a clothing item's shape, colour, and texture is gendered, when you must go to separated and gendered floor of a shop to get it, when you must pick a gendered changing room to try it on in (if you're permitted to choose), deal with people staring, pointing, laughing, recording and shouting abuse at you, and when you're addressed by 'sir' or 'ma'am' when trying to buy it from the cashier, the fun of trying on something, attempting to feel out how it makes you feel, and trying to get closer to the answer of 'does this feel like me? Is this reflective of who I am?' has been heavily tampered with. ASE is no longer a viable cognitive tool, and as such, your ability to make sense of and interpret yourself and your experiences freely and playfully has been negatively impacted. In this, we see how other factors like physical manifestations of the gendered social imaginary such as sexed changing rooms can impact one's ability to access certain cognitive tools.

So, while someone might know that they are not (exclusively) a man or a woman, the dominant binary framework persistently rises to the surface and epistemically contaminates their perception of these clothes as such. One's ability to have a gender-neutral understanding of their clothes is impeded by the constant reminders that (what feels like) the rest of the world disagrees with them. One's engagement with their clothes is both a personal engagement with the self and one's identity, and a way in which others come to understand and treat that person. This is a particularly pressing consideration when keeping in mind the literal threat of violence faced by non-binary people wishing to express gender non-conformity in many aesthetic environments. As such, I suggest that one's ability to use their aesthetic expression through things like clothing, is being undermined.

With this discussion in mind, we can define ECASE as follows:

Someone is a victim of ECASE when they experience epistemically contaminated aesthetic self-expression that (a) results in significant cognitive disablement of their understanding of themselves and/or their experiences *and* (b) is the product of an unjust epistemically hostile environment (typically, one of hermeneutical marginalisation).

(a) follows Fricker's explanations of how gaps in shared conceptual resources affect people differently according to how they bear relevancy to the person's 'cognitive disablement.'³⁵ That is, just because many aesthetic self-expressive options are epistemically contaminated, this shared socio-epistemic environment does not mean ECASE is experienced by all groups.

For instance, while we're all working with the same conceptual resources about gender, the hermeneutic barriers cis (and to a degree, given that the dominant binary

³⁵ Fricker, *Hermeneutical Injustice*, 153.

conception doesn't include their transition and bodily differences, binary trans) people experience do not typically seem to resemble the severity of those felt by non-binary ECASE victims. Cis people, by virtue of identifying with the binary enough to call themselves men or women, must possess a significant level of self-representation within that framework to do so. As such, this collective understanding of what it means to be a man or a woman is a fruitful collective resource to tap into when finding out who they are, even if this means doing the work of picking and choosing which gendered concepts to opt out of. So, the conceptual load on the available aesthetic options is going to favour their self-understanding, despite some potential areas of difficulty. For instance, when a woman is trying to find out what 'woman' means for her, this might involve difficulties in ASE when encountering epistemically loaded aesthetic materials such as makeup.³⁶ For example, feeling that you have to use makeup to be treated well as a woman impedes one's ability to engage with it freely and have full creative control over how/whether one applies it. Though this may be a hiccup in trying to figure out what being a woman for her is, a minor instance where an otherwise richly developed, representational, and supportive conceptual framework presents difficulties, this doesn't look like ECASE as it does not meet the first criteria (a), resulting in significant cognitive disablement of their experiential and/or self-understanding. I suspect that this is true of the gendered experience of many cisgender heterosexual people. However, where we might think marginalisation tracks across multiple social categories, or where this epistemic hostility is very widespread, we might see these cognitive effects become significant enough to be instances of ECASE (as we will see in the suggested cases in 3.2).

This significant cognitive disablement also needs to be the product of unjust epistemic hostility to be a case of ECASE. So, someone who has lost their hair due to cancer treatment is likely to experience significant epistemic consequences, with their aesthetic options regarding their hair being forcefully changed by their circumstances. Their self-understanding might be difficult to parse given this significant change. However, this is not a case of ECASE, because this isn't due to unequal hermeneutical participation or widespread unjust epistemic hostility; it is just epistemic misfortune.

In this, (b) captures the unfairness expressed in both the expectation of androgyny and the threat of violence non-binary people face. These aren't the products of epistemic misfortune, rather, the epistemic-aesthetic harm of not being able to understand oneself in this case is due to the unnecessary epistemic hostility of the current binary framework. The engenderment of clothing, hairstyles, colours, shapes, sections of department stores, bodily figures resembles an invented social framework. The hermeneutical marginalisation underpinning this structure, as

³⁶ Cahill, Anne, J (2003) "Feminist Pleasure and Feminine Beautification." *Hypatia* 18 (4): 42–64; Jeffreys, S, (2014) *Beauty and Misogyny: Harmful cultural practices in the West* (2nd ed.), Routledge.

detailed in 1 and 3.1, is what frames the unfairness of this epistemic circumstance experienced by non-binary people.

So, where an unjust epistemically hostile environment results in severe epistemic contamination of someone's ASE, we can consider them a victim of ECASE. Thus, in its significant epistemic disablement and its context of hermeneutical marginalisation, navigating non-binary self-expression is an example of ECASE. This notion of injustice invites us to consider ECASE as it relates to hermeneutical injustice.

§ 4. Barriers to Non-Binary Self-Understanding: A New Form of Hermeneutical Injustice

Hermeneutical injustice can be enacted through atypical means, namely, aesthetic ones. ECASE possesses the following features of hermeneutical injustice: hermeneutical marginalisation, unavailable conceptual resources, unfairness, and a clear potential to impact one's social experiences. However, I want to characterise ECASE as a *form* of hermeneutical injustice, rather than an *instance* of cognitive hermeneutical injustice or an exclusively aesthetic *form* of injustice.

Having argued for ECASE's cognitive harm within the typical hermeneutical framework, I maintain that exclusively focusing on traditional hermeneutical framework misses the distinct role of the aesthetic in the hermeneutical injustice under consideration. It is not merely that the hermeneutical marginalisation of non-binary people makes them struggle to understand themselves and that this later manifests in aesthetic-epistemic difficulties. Instead, it appears to exist as a means in which the original hermeneutical injustice occurs; the method of understanding, the conceptual tool of ASE, becomes more difficult to use; it is a constitutive part of that hermeneutical injustice.

Further, I argue against strictly categorising this phenomenon as an aesthetic injustice. Alongside the clear epistemic role, I feel that this would also be an inappropriate use of 'aesthetic injustice' which, in my view, is the unjust hindering of one's aesthetic/affective mental tools – such as one's ability to appreciate art, have specific aesthetic sensations, and such³⁷. I want to justify this distinction further, by suggesting that this is a separate phenomenon that is also likely to happen in the case under consideration. That is, when one's aesthetic options are epistemically contaminated and one's body is forcibly given non-representational meaning, I suggest one is likely to be unable to aesthetically appreciate those items and bodily features, a separate but interesting phenomenon to the hermeneutic role of ASE/ECASE. So, to have an accurate picture of what is going on in these instances of epistemic contamination, I want to suggest this separation so that further cases under consideration can be addressed with the appropriate diagnostic conceptual

³⁷ See Dalaqua, Gustavo, H. (2020) Aesthetic injustice, *Journal of Aesthetics & Culture*, 12(1), 171-183.

tools. So, the case of nonbinary ECASE stands as not merely a unique *instance* of hermeneutical injustice but relates to a specific *form* of hermeneutical injustice. Furthermore, I argue that the threat of ECASE extends to multiple groups experiencing hermeneutical marginalisation, not just non-binary people. Further applications of ECASE may include:

- (i) In a western anti-black epistemic environment, black people are likely to experience traditional hermeneutical injustice, by virtue of the epistemic hostility and likely hermeneutical marginalisation of that environment. As a result, black people may struggle with understanding themselves within a social system that tells them they are reducible to racist stereotypes³⁸. Additionally, if they internalise the racist propaganda of that environment, they may experience aesthetic injustice, in that they may struggle to aesthetically appreciate art that makes intentional and overt references to black history and subcultures³⁹. Furthermore, hermeneutical injustice may also rear its head via ECASE; when whiteness heavily informs the western standard for what is deemed attractive, professional, and aesthetically valuable, this epistemic contamination of aesthetic options may lead a black person to struggle to gain the epistemic benefits of ASE when trying to understand where they exist in relation to the social groups they are a member of.
- (ii) In *Old Age*, Beauvoir describes feeling disconnected from other's perspective of her age⁴⁰. While she understood herself as being the same sort of person she was decades before, she describes being continually met with others treating her differently for being old. The aesthetics of aging are laden with epistemic cruelties; shared conceptions of old people being disposable, dim-witted and objects of disgust, particularly in sexual contexts⁴¹. Beauvoir describes how trying to understand herself with these tampered aesthetic-epistemic conceptual tools was difficult to the point of being unattainable, with her claiming that to be this old woman that others perceived her as was an unrealisable, an impossible task⁴². This again looks like a case where ECASE has affected her ability to understand herself and her experience of aging.

If applicable, these cases suggest that non-binary ECASE is not merely a unique case or side-effect of hermeneutical injustice but instead strengthens the claim that ECASE is a *form* of hermeneutical injustice.

³⁸ Hull, G. (2016) Black Consciousness as Overcoming Hermeneutical Injustice, *Journal of Applied Philosophy*, 34(4), 573–592.

³⁹ Dalaqua, *Aesthetic injustice*, 171–183.

⁴⁰ Beauvoir, Simone de. (1977) *Old Age*, Harmondsworth, Middlesex: Penguin Books.

⁴¹ See Beauvoir, *Old Age*, 542 & 300–301.

⁴² See Beauvoir, *Old Age*, 291.

§ 5. Conclusion

In summary, I have argued that ECASE is a new form of hermeneutical injustice, with non-binary ECASE being my core empirical case. I have argued this by first claiming that aesthetic self-expression is an epistemically valuable experience that can give someone glimmers of understanding when in a position of epistemic hostility. I have subsequently claimed that non-binary people experience hermeneutical marginalisation but that the epistemic contamination of their aesthetic self-expression means that they are unable to gain these epistemic benefits, unlike binary transgender people. Following this, I have argued that this epistemic contamination of aesthetic self-expression is a novel form of hermeneutical injustice.

This conclusion suggests that hermeneutical injustice elicits its harm through more ways than previously considered, and as such, suggests that we must be attentive to the possibilities of more widespread ECASE and other aesthetic-epistemic injustices.

Further lines of inquiry beyond the scope of my discussion here may lead to whether the affective has a similar epistemic contamination problem and whether that is another kind of injustice, how epistemic contamination (and other potential aesthetic-epistemic injustices) relate to impeded abilities to understand things other than the self, and perhaps most crucially, what good epistemic decontamination looks like and how we can achieve it.

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