



**QUEEN'S
UNIVERSITY
BELFAST**

Why didn't you scream? Epistemic injustices of sexism, misogyny and rape myths

MacKenzie, A. (2022). Why didn't you scream? Epistemic injustices of sexism, misogyny and rape myths. *Journal of Philosophy of Education*, 56(5), 787-801. <https://doi.org/10.1111/1467-9752.12685>

Published in:

Journal of Philosophy of Education

Document Version:

Publisher's PDF, also known as Version of record

Queen's University Belfast - Research Portal:

[Link to publication record in Queen's University Belfast Research Portal](#)

Publisher rights

Copyright 2022 the authors.

This is an open access Creative Commons Attribution-NonCommercial License (<https://creativecommons.org/licenses/by-nc/4.0/>), which permits use, distribution and reproduction for non-commercial purposes, provided the author and source are cited.

General rights

Copyright for the publications made accessible via the Queen's University Belfast Research Portal is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy

The Research Portal is Queen's institutional repository that provides access to Queen's research output. Every effort has been made to ensure that content in the Research Portal does not infringe any person's rights, or applicable UK laws. If you discover content in the Research Portal that you believe breaches copyright or violates any law, please contact openaccess@qub.ac.uk.

Open Access

This research has been made openly available by Queen's academics and its Open Research team. We would love to hear how access to this research benefits you. – Share your feedback with us: <http://go.qub.ac.uk/oa-feedback>

Why didn't you scream? Epistemic injustices of sexism, misogyny and rape myths

Alison MacKenzie

Queen's University, Belfast, School of Sociology, Education and Social Work, Belfast, UK

Correspondence

Alison MacKenzie, Queen's University, Belfast, School of Sociology, Education and Social Work, 69-71 University St, Belfast BT7 1HL, UK.
Email: a.mackenzie@qub.ac.uk

Abstract

In this paper, I discuss rape myths and mythologies, their negative effects on rape and sexual assault complainants, and how they prejudicially construct women qua women. The backdrop for the analysis is the Belfast Rugby Rape Trial, which took place in 2018. Four men, two of whom were well-known rugby players, were acquitted of rape and sexual assault in a nine-week criminal trial that dominated local, national and international attention. The acquittal resulted in 'I Believe Her' rallies and protests across Northern Ireland. Of concern were the deeply sexist and misogynistic text exchanges among the acquitted about the complainant and women more generally. One month after the trial, the Criminal Justice Board of Northern Ireland commissioned an independent review of the arrangements to deliver justice in cases of serious sexual offences. The Gillen Review proposed 16 key recommendations, among them measures to dispel rape myths and the role that Relationship and Sex Education in schools could play in combatting these myths. I will explore these issues using Miranda Fricker's construction of epistemic injustice. I argue that there is little appreciation of the profound impact that routine testimonial injustice—where the credibility of a speaker is deflated or undermined on account of her social identity—can have on the wellbeing of speakers and how it ramifies with other

This is an open access article under the terms of the [Creative Commons Attribution-NonCommercial](https://creativecommons.org/licenses/by-nc/4.0/) License, which permits use, distribution and reproduction in any medium, provided the original work is properly cited and is not used for commercial purposes.

© 2022 The Authors. *Journal of Philosophy of Education* published by John Wiley & Sons Ltd on behalf of Philosophy of Education Society of Great Britain.

forms of injustice. To illustrate, I draw on neurological explanations to show why attributions of sexual consent are unjustly sustained in cases of rape and sexual assault.

KEYWORDS

Epistemic injustice, neurobiology, rape myths, relationship and sex education, sexism and misogyny, the Gillen Review

INTRODUCTION

In 2018, in a now highly publicised and notorious rape case in Belfast, Northern Ireland, four men were acquitted of rape after a nine-week trial. The complainant, who went up against the rising stars of Ireland and Ulster Rugby, Paddy Jackson and Stuart Olding, and two of their friends, was examined for eight days by four defence barristers, all men, representing the four accused men. The ‘Rugby Rape Trial’ as it came to be known, dominated the local, national and international news and divided the country along gender lines (McKay, 2018). The charges included rape, sexual assault, indecent exposure and concealing evidence. The trial took place while the #MeToo and #Time-sUp movements on the island of Ireland and elsewhere were raising awareness of the extent of sexual violence against women, issues of consent and male entitlement, and the inadequacies of the legal, political and societal responses to the violence. The acquittal resulted in ‘I Believe Her’ rallies across the country and social media protests. Following the protests, and considerable concerns about how accusations of serious sexual offences are processed and determined in Northern Ireland, in 2018 the Criminal Justice Board commissioned an independent review led by the Right Honourable Sir John Gillen, former Lord Justice of Appeal, and an independent advisory panel. The review resulted in 253 recommendations and 16 key recommendations, including that there be an extensive public awareness and school education campaign (key recommendation 4) (Gillen, 2019b). Gillen (2019a) recognised that Relationship and Sex Education (RSE) could play a role in educating children on rape myths and sexual consent. This is an important recommendation but one that will be challenging to fulfil in the way intended. Currently, although RSE is a statutory element of the Northern Irish curriculum, the guidelines allow schools latitude for interpretation in accordance with the Christian ethos of the school. The result is poor and inconsistent RSE (McBride & Schubotz, 2017; York, 2019; York et al., 2021a, b).

As is typical in adversarial trials where winning is the priority, the defence looked for inconsistencies in the complainant’s testimony and found them. While it is crucial to ensure fair trial rights for the defendant because of the severe effects of a wrongful conviction, the complainant is also treated as if she were on trial. In trials of sexual violence, the process is often reduced to one person’s word against another, and since juries must be sure of guilt beyond reasonable doubt, the defence has only to create doubt about the complainant’s version of events to return a not-guilty verdict (Killean et al., 2021). A common defence strategy is to resort to rape myths such as that sexual assault is not ‘real rape’, impugning the complainant’s behaviour during the assault, her sexual history and conduct, highlighting testimonial inconsistencies (which are most likely caused by trauma), and using a yes/no binary answer system that disallows nuance and limits or distorts the complainant’s responses (Killean et al., 2018a, p. 3). The strategy is often effective. There is ample research that shows that jurors do not leave their prejudices and stereotypes ‘at the door of the courtroom’ (Ellison & Munro, 2009, p. 202), and that rape mythology plays a significant role in jury deliberations and predisposes them to acquittal (Burrowes, 2013). Indeed, Leverick (2020, p. 256) in her review of the literature on rape myths states that there is ‘overwhelming’ evidence that prejudices and false beliefs play a role in how jurors evaluate the evidence.

Northern Ireland is an interesting case study for several reasons. The province remains a deeply conservative Christian society still recovering from ethno-national divisions between the Protestant/Unionist majority and the

Catholic/nationalist minority in a conflict better known as 'The Troubles', during which Northern Ireland was an 'armed patriarchy' (MacKay, 2018). Reporting sexual violence committed by paramilitary organisations can be fraught with danger, and their continued presence in some communities can silence those who want to report sexual assault and domestic violence (Doyle & McWilliams, 2019; Killean et al., 2018b). This has contributed to a culture in which such reports are often not made, and when they are made, are dealt with ineptly. The Rugby Rape Trial revealed the inadequacy of the criminal justice system to deal with such allegations and exposed how sexual violence, misogyny and sexism are framed and processed in law, education, the church and wider society (Killean et al., 2021). The school system is segregated along largely Protestant and Catholic lines and is deeply influenced by a Christian ethos in which sex education is barely discussed, and then only in terms of biology, the virtue of abstinence and the idea that sex is for marriage (York et al., 2021a, b). The moral conservatism of the province has led to attitudes of shame and stigma about sex, sexuality, sexual violence and reproductive rights (York et al., 2021a, b; Flanagan, forthcoming). Young people are poorly informed about these issues, including what constitutes sexual consent, and are also influenced by rape myths (Amnesty International, 2008). It is widely acknowledged that there is an urgent need for better sex and relationship education in schools (Gillen, 2019a), but Christian moral conservatism in education and politics is a barrier.

The rape trial is the backdrop against which RSE in Northern Ireland will be discussed. I will first describe the context of Northern Ireland, a post-conflict society still contending with the harms and hurts of decades of violence, and where the Christian Church exerts a strong influence in schools, politics and society. Next, I will present a very brief overview of the trial, including the widely publicised and still discussed text exchanges between the four men acquitted of rape. Here, I will discuss rape myths and their use by the defence counsel. These myths pervade our social consciousness and influence how we evaluate women who allege rape and sexual assault.

I will explore these issues through Miranda Fricker's (2007) construction of epistemic injustice. I do not offer a critique of her analysis, principally because, in my view, she offers a rich and convincing account of how epistemic injustice features in our everyday testimonial exchanges (speech acts).¹ There is little appreciation of the (often profound) impact that routine testimonial injustices have on the wellbeing of speakers and how they ramify with other, more familiar forms of injustice.² Further, in discussions of rape and sexual assault, and indeed of sexist language that is often conveniently dismissed as mere 'banter', the focus tends to be on the wrong or harm of the act, the core and accompanying aggravating harms (Archard, 2007), and on what constitutes consent—the ethically bad dimensions and moral wrongs of violations to bodily integrity. Rarely is the focus on the *epistemological* damage caused to the speaker as a *knower*, as a *giver* of and *contributor* to knowledge of the wrongs caused by violations to bodily integrity, and the consequent degradation of personhood in daily exchanges, the media and in courtrooms. Since Fricker offers a systematic account of this distinctive but commonplace kind of harm with respect to gender and racial prejudicial stereotyping, I will, for the purposes of this paper, draw on her account.

In the final part of the analysis, I will explore how deeply entrenched attitudes to women, sexual violence and assault can be addressed. I will suggest that, in addition to dispelling rape mythologies through the RSE and Skills for Life curriculum—a recommendation made by the Gillen (2019b) review—RSE should also educate young people about how fear and trauma can incapacitate the body and impact on memory. Ignorance about the role of physiological and endocrinological—i.e. neurobiological—responses to attack or trauma, helps preserve beliefs and foster incredulity about the honesty and integrity of sexual assault and rape victims.

THE MALE CENTREDNESS OF NORTHERN IRISH SOCIETY

Across a wide variety of ethnic groups, Nagel (2000, p. 113) has observed that 'appropriate enactments of heterosexuality are perhaps the most regulated and enforced norms' and that 'ethno-nationalism tends to promote versions of masculinities that valorise courage, bravery and the capacity for violence in defence of the nation'. Northern Ireland's traditional male-dominated culture was shaped by political violence, especially during The Troubles (1969–1998), which formally came to an end with the Belfast (Good Friday) Agreement in 1998. Whilst Northern Ireland has changed

considerably and has become more socially progressive since the Good Friday Agreement, the dominance of narrow religious views, ranging from Roman Catholic conservatism to Evangelical fundamentalism, not only created a deeply religious and conservative society but also engendered a restricted masculinity sustained by patriarchal social norms (Doyle & McWilliams, 2019). These social norms hold that men should be strong, powerful, intelligent and mature, as well as in control, dominant, aggressive, competitive, powerful and heterosexual (Ashe & Harland, 2014). Northern Ireland is still dominated by 'male institutions, rituals, organizations, standpoints, and styles of political engagement' (Ashe, 2012, p. 233). This dominance can be seen in the statistics. In politics, women represent 37% of Lord Mayors, 26% of Local Councillors, 33% of MLAs and only 22% of MPs. Lady Siobhan Keegan is the current Lord Chief Justice, the first woman to hold the post, but there are no female Lord Justices of Appeal, and only 25% of High Court Justices are women (WRDA, 2020). In 2020–2021, the Police Services of Northern Ireland (PSNI) recorded 2671 sexual offences (up by 15.2% since 2019–2020) and 1,161 reports of rape, an increase of 13.7% in 2018–2019 (PSNI, 2021). The province has the highest levels of femicide in Europe (Blunt, 2019). In education, while 77% of teachers are women, women make up only 60% of school principals. Gender inequality is prevalent in all sectors of Northern Irish society (WRDA, 2020).

One political party in particular, the Democratic Unionist Party (DUP), which was founded by the late Reverend Ian Paisley, has steadfastly held out against gay marriage, abortion, minority rights and RSE in schools (the Republic of Ireland legalised same-sex marriage in 2015 and the British government passed it in 2013). Abortion rights and same-sex marriage were legalised in 2020—but by the British government because the devolved Assembly in Stormont had collapsed in 2017 over disagreements about the Irish Language Act. Marriage equality and abortion rights campaigners petitioned MPs to back amendments to the Northern Ireland Act 2019 if devolution was not restored by October 2019.³ Mandatory power-sharing between the largest unionist party, the DUP, and the largest nationalist party, Sinn Féin, was restored in January 2020.

Rugby and the Rugby Rape Trial arguably embody these beliefs about masculinity. Rugby is seen as a privileged sport and has traditionally been played in state-maintained (mainly Protestant) prestigious grammar schools, though rugby is becoming popular in the voluntary (mainly Catholic) sector. These grammar schools also draw their population from predominantly white, middle-class backgrounds. In a blog, 'The Entitled Men of Northern Ireland', Robbie Best (2017) noted that BBC Northern Ireland's broadcast of the final of the Northern Ireland Rugby Schools Cup each year 'feeds into the psyche' and sense of entitlement of young men. While young people's achievements should be celebrated, 'when this happens in isolation, with only one demographic lauded, namely Grammar School educated boys, we have to ask questions about the knock-on effects this kind of adulation can engender.' As Best comments, those chosen for lavish praise 'invariably [tend] to be male'. Kavanagh (2019), in a case study of sectarianism, masculinity and racism in a Northern Irish rugby club, observes that performances of 'excessive masculinity' are almost synonymous with rugby clubs and are 'fostered within a homosocial culture that promotes misogyny, homophobia, and distance from femininity' (pp. 3–4). In an exculpatory move, however, sexist, homophobic and racist 'banter' are often portrayed as not to be taken literally, which means that '[r]egardless of what is said or done, everything is "meaningless fun" ... There can be no blame because everything can be dismissed post facto as a misinterpretation' (p. 338). (See Feenan, 2019, for further examples of rugby culture and attitudes to women.) The 'laddishness' that has stereotypically been associated with working-class men is strongly present in rugby culture, and failure to acknowledge this invisibilises privileged, middle-class male perpetrators. The highly misogynistic text exchanges between the four acquitted men were treated as nothing more than 'banter', 'immature boasting' as 'lads being lads' by the media, the defence and the supporters of Jackson and Olding (Gallagher, 2018; McKay, 2018). I will return to this.

There is now a growing body of empirical research from Northern Ireland that reports on the sexual experiences of young people, and which repeatedly exposes the inadequacy of RSE, sexual exploitation and abuse, ignorance about what constitutes consent, the prevalence of rape mythologies, and so on. Beckett and Schubotz (2014), for example, undertook a large-scale project on sexual violence and the exploitation of young people from 2009 to 2011. Young people's ($n = 786$) self-reported experiences were collated from their responses to a module of questions placed in the 2010 Young Life and Times Survey, an annual survey of 16-year-olds that is organised by ARK, a joint initiative by

Queen's University, Belfast, and University of Ulster. The young respondents were asked whether an adult or young person had given them alcohol, solvents, or drugs, and then taken advantage of them sexually. One in 15 (7%), nearly all girls (76%), stated that they had been sexually assaulted, mainly by their peers (69%) (p. 440). Beckett and Schubotz also interviewed 110 professionals from across several sectors (such as the criminal justice system, social work and education) for whom peer sexual violence was an issue of 'serious concern' (p. 440). Of particular concern was the apparent acceptance of sexual and other forms of violence towards young women (under 16) by both young men and women. The professionals frequently heard cases of young men's sexual manipulation of, and aggression towards, female peers, including 'sexual activity in situations of questionable consent, rapes and other sexual assaults, sexual activity in return for drugs or alcohol and the distribution of child abuse images' (Beckett & Schubotz, 2014, p. 441).

Sexual harassment, exploitation and cyberbullying are now features of social media about which a great deal has been reported in academic and other research (Gillen, 2019a,b; York et al., 2021a, b). Social media played a polarising and prejudicial role in the Belfast Rape Trial and its criminal procedure. The sexually demeaning and objectifying language of the acquitted men's WhatsApp group was widely reported in the media (see below). The group members aggrandised their sexual prowess and conquests ('top shaggers' and 'spit roasting') and referred to young women as 'brasses' (loose women or prostitutes) (see Gallagher, 2018; MacKay, 2018), as I will next discuss.

THE BELFAST RAPE TRIAL

The Party: 'The worst night ever, so I got raped'. (Complainant to a friend via WhatsApp)

The complainant alleged she was raped first by Jackson and then his friend, Stuart Olding, at a party in Jackson's house in 2016. In her testimony, she alleged that Jackson had followed her upstairs and grabbed her trousers, pulling them down to her knees. According to Gallagher's account (2018),⁴ she claimed she froze as Jackson pushed her down on the bed and, with her tight trousers caught at her knees, she could not move: 'I was face down on the bed and he was having sex with me.' Olding walked in: 'My heart just sank. I knew what was going to happen. I looked Patrick Jackson straight in the eyes and said, "please no, not him as well!"' The complainant also testified that McIlroy entered the room completely naked: 'I thought this is not happening again' (Gallagher, 2018). In court, the complainant alleged that Olding forced her to have oral sex. The sex was so rough, she claimed, that she started to bleed. When the defence asked why she didn't give Jackson a 'firm no', the complainant replied that 'he was not taking no for an answer' (RTE, 2018). During her eight-day cross-examination, her bodily functions and private parts were discussed, her bloodied thong was introduced to the court and her motivations and intentions were scrutinised. One of the defence barristers asked her why she had reported the (alleged) rape, to which she responded: 'Rape is a game of power and control, and they rely on your silence. The only way you take power back is when you do something about it' (RTE, 2018).

It was put to her that she was 'moving from truth to untruth, or falsehood and self-delusion' (Gallagher, 2018). There were inconsistencies in her evidence, and she admitted her memories of the events were 'slightly hazy' (Gallagher, 2018). A question that provoked considerable ire and protests was put by one of the defence barristers: 'Why didn't she scream? ... There were a lot of middle-class girls downstairs—they weren't going to tolerate a rape or anything like that' (MacKay, 2018). The complainant was also asked why she had not mentioned oral rape to the doctor, and replied that she did not know at the time that oral rape constituted rape. She was asked to explain why McIlroy was allegedly naked in one version, dressed in another. The complainant said she was still trying to process what had happened: 'You go into shutdown, it's incredibly hard to state what's happened until you've actually processed it ... in that situation you don't scream or shout because you are so scared ... You underestimate the state of shock you go into after being raped' (Gallagher, 2018).

One of the more disturbing aspects of the trial was the WhatsApp exchanges between the alleged perpetrators that were cited in court and published in the media.⁵ They are disturbing because of the highly demeaning and objectifying language used to describe the complainant, women in general, and their attitude to sex. Among the more notorious

texts that were sent between Olding, Jackson, McIlroy, Harrison and unidentified friends are the following: 'we are all top shaggers'; 'there was a bit of spit roasting going on last night fellas', 'there was a lot of spit roast last night'; 'what the fuck was going on. Last night was hilarious'; 'Boys, did you pass spit roast brassers'; 'pumped a girl with Jacko on Monday. Roasted her'; 'hopefully it'll be thrown out, Just a silly girl who's been done something then regretted it' (The Irish Times, 2018). Harrison, who drove the complainant home, texted McIlroy to say: 'Mate no jokes she was in hysterics, wasn't going to end well' (Beattie, 2018). It is also dispiriting that the class and high status of the defendants seemed to afford them automatic credibility excess, so that even their lewd and demeaning texts were excused on the grounds that they were being targeted by a 'silly girl' who had gone too far.

After four hours of deliberation, the jury returned not guilty charges on all counts. While the case was prosecuted according to due legal process, it nevertheless triggered a full review of the processes involved in cases concerning serious sexual offences, as well as protests about the complainant's treatment in court, as well as concerns that the accused had no anonymity under Northern Irish law. As Killean et al. (2021) state, what had long been known to legal practitioners, academic researchers and advocacy groups was highlighted in this high-profile trial: that all such trials are 'always legally complex, potentially re-traumatising for complainants, challenging to achieving a fair trial, and often shaped by problematic social and cultural understandings of appropriate sexual behaviour' (p. 4). A key issue of concern was that the four defence counsels appeared to draw on rape myths (Killean et al., 2021) to discredit the testimony of the victim and to inflate the testimonial credibility of the defendants.

Rape myths are defined as 'prejudicial, stereotyped, and false beliefs about rape, rape victims and rapists' (Burt, 1980, p. 217), and which reflect white, middle-class, patriarchal, heteronormative values. A typical myth narrative consists of the belief that the complainant was drinking; that the complainant did not physically resist her alleged attacker; that the complainant cannot provide a coherent account of what happened because she is lying or is full of regret. A comprehensive review of the literature on rape myths by Suarez and Gadalla (2010) reveals that men are more likely than women to hold rape myths. Research also shows that individuals who held negative attitudes towards women, people of different races, sexual orientation and class also tend to subscribe to rape myths (Burrowes, 2013, p. 9). Of interest for the analysis of epistemic injustice in this paper is that research also shows that 'many women who have experienced rape subscribe to rape myths and are likely to interpret their own behaviour in line with these myths' (Burrowes, 2013, p. 9). This is a specific example of what I will shortly explain as 'hermeneutical injustice' (Fricker, 2007)—a debilitating lack of interpretive resources to make accurate or just evaluations of social experience. This hermeneutical disadvantage feeds into prejudicial stereotypes that sustain testimonial injustice, as I will now explain.

EPISTEMIC INJUSTICE: TESTIMONIAL AND HERMENEUTICAL

Our ability to convey knowledge to others is an important feature of our communicative and ethical lives. The extent to which we can successfully do so will depend on a number of contextual and general factors, among them the 'operation of social power in our epistemic interactions' (Fricker, 2007, p. 1). Levels of trust, operations of silence, forms of ignorance, reliance on reputation, appraisals of worth or the influence of prejudicial stereotypes, for example, intervene to inflate or deflate the credibility of the speaker.

Fricker theorises that there are two forms of injustice that are distinctively epistemic in nature and by which a person is fundamentally and specifically wronged in her 'capacity as a knower' (Fricker, 2007, p. 1). These are testimonial and hermeneutical injustices. Defined simply, testimonial injustice occurs when 'prejudice causes a hearer to give a deflated level of credibility to a speaker's word' (Fricker, 2007, p. 1); hermeneutical injustice occurs because of structural injustice whereby the speaker is at an unfair disadvantage because there are insufficient interpretive resources to make sense of, or to intelligibly convey, a social experience. As we have so far seen, rape mythologies can keep many men and some women in deep hermeneutical gloom.

An example of the first kind is when a young woman's account of rape is discredited because of the identity of the accused (middle class, internationally known person of good character), her gender and class, and her inability to give

a coherent and precise account of the assault (she is not a reliable witness). An example of hermeneutical injustice is when the complainant is judged in ignorance of the role of rape mythologies, systemic sexism and misogyny, and the effects of violence on memory function and flight response (whether the ignorance is wilful, cultivated, indifferent or genuine may be difficult to determine in specific cases but the kind of ignorance will be dependent to a high degree on socially situated power relations). While hermeneutical injustice is not perpetrated by individuals, its effects or schemas flow into testimonial exchanges as when the complainant is pushed to explain why, if it was a 'real rape', she did not scream or struggle during her assault, or to admit that she is pursuing the accused for fame and money. What we are contending with here are abiding systemic prejudices about women's motives when they make a claim of sexual assault or rape, as well as a pervading sense of male entitlement that renders sexism and misogyny normal. According to Fricker, testimonial injustice 'is caused by prejudice in the economy of credibility' (it is person-to-person) while hermeneutical injustice is brought about by 'structural prejudice in the economy of collective hermeneutical resources' (Fricker, 2007, p. 1).

The central case of testimonial injustice: Identity-prejudicial credibility deficit

The central case of testimonial injustice is *systematic* 'identity-prejudicial credibility deficit' which tracks the speaker 'through different dimensions of social activity' (p. 27), such as the legal, educational, sexual, professional, political and criminal justice systems. Systematic identity-prejudicial credibility deficit contrasts with 'incidental' testimonial injustice. While all kinds of prejudice may deform our assessment of a speaker, in incidental injustices, the testimony of a speaker is deflated in a 'localised' way, not on account of enduring structural prejudices that incline hearers to doubt or trust the testimony of the speaker because she is, say, a woman (the broad social pattern is *persistent* gender discrimination/sexism/misogyny). Fricker gives the example of a panel of referees on an academic journal who give no credence to a particular research method (Fricker, 2007). Academics who see the merits of the method may complain that they are unfairly disadvantaged because their work is automatically discounted as having no worth and cannot be published. Of course, the academics can publish elsewhere. However, if reviewers of all the relevant journals take the view that the research method is unreliable, this could impact on the academics' careers (along with, perhaps, the progress of social science and students' knowledge and therefore the uptake of the method in their research). The difference between this localised non-systemic, injustice and that of systematic injustice is that the local variant does not follow the academics into other areas of social activity: They are not rendered susceptible to other kinds of injustice on account of their social identity as academics, and neither will their defence of a particular research method affect their standing *as* academics.

The influence of 'identity prejudice', Fricker argues, in a hearer's credibility assessment 'is an operation of identity power' whereby one party (men, defence counsel) controls what another party does 'in a way that depends upon collective conceptions of the social identities in play' (p. 28). Rape mythologies, everyday sexism and misogyny contain shared prejudicial conceptions of what women are and how they should be treated. They operate to sustain men's social control over women. Collective conceptions of women as 'brassers' or 'sluts', or conceptions that objectify or degrade women *qua* women, not only undermine them as reliable testifiers of their own experiences, but also have considerable potential to undermine future complainants and deter others from coming forward because of the high probability that they will find testifying degrading, humiliating and traumatising—with the likelihood that there will be no conviction at the end of the process (Gillen, 2019a). Rape myths, as an example of the 'enduring features of the social imagination' (p. 29), are emblematic of gender injustice—they are diachronic because persistent and synchronic because systematic. Used as a strategy to discredit the trustworthiness of the testifier, rape mythologies, and the sexism and misogyny upon which they rest, are significant impediments to justice. Women are everywhere intrinsically harmed 'in a capacity essential to human value' (p. 44)—as conveyors of knowledge both in and outside of the criminal justice system. Women, as I have said, are deterred from coming forward to report sexual assault. According to the

Crime Survey for England and Wales, fewer than one in six women report rape or attempted rape to the police, and only one in ten women under 25 come forward (ONS, 2020).⁶

Negative prejudicial stereotypes in testimonial injustice

The next step in Fricker's (2007) account of testimonial injustice is to explore the mechanism by which prejudice deforms hearers' judgements of speaker credibility (p. 30). The mechanism is prejudicial stereotypes, unreliable empirical generalisations about the characteristics of a given group or person that is influenced by identity prejudice. Historically marginalised groups such as women, children, black people, LGBTQ or the Traveller community have been associated with false generalisations about their capacity, competence, morality or sincerity. These standard, hard-to-shift, generalisations include false notions such as that women are emotional and therefore irrational; children lack competence and cannot be trusted; and the Traveller community are thieves and vagabonds. The generalisations are prejudicial because they are based on pre-judgements without regard to the evidence (p. 33) and which are, importantly, 'culpably resistant to the evidence and thus irrational' (p. 34). The panel of reviewers described above may have been prejudiced and dogmatically resistant to evidence that the method works—random control trials (RCTs), for example—but they were not ethically bad people thereby. The panel did not have a negative identity prejudice towards the academics as a 'social type'—they simply did not agree that RCTs have a place in educational research, for example. The following definition marks the difference between this kind of (localised) prejudice from a negative identity-prejudicial stereotype, the latter being:

A widely held disparaging association between a social group and one or more attributes, where this association embodies a generalization that displays some (typically, epistemically culpable) resistance to counter-evidence owing to an ethically bad affective investment. (Fricker, 2007, p. 35)

It is this kind of prejudice that is at work in testimonial injustice. It distorts the hearer's perception of the speaker 'as a social type' (p. 36). It can be hard to detect, let alone eradicate, even when we are conscious that negative identity prejudices influence our perceptions and beliefs, or we do not subscribe to this kind of prejudice about gender, race, sexuality or age. As Fricker suggests, while the collective social imagination can be a 'mighty resource for social change ... due to its capacity for informing thought directly', that very resource is also nevertheless full of stereotypes that 'render it an epistemic and an ethical liability' because it is 'doxastically mediated' (p. 38). We are often not conscious, or are barely conscious, of the source, structure and presence of our beliefs or attitudes. We hold conflicting and contradictory views even about deeply held convictions on, for example, gender equality. On the one hand, women are free and equal to pursue sexual autonomy and choice (a diachronic belief); on the other hand, they are sluts and brassers if they do or 'were asking for it' when they are assaulted (a synchronic prejudice). Testimonial injustices are a normal, if ethically and epistemically harmful, part of life.

There are two kinds of harm connected to testimonial injustice. The first, according to Fricker's analysis, is the primary harm of wronging someone in their capacity as a knower and as a 'giver of knowledge'. Impeding knowledge from entering public discourse is, on a Kantian conception of reason, a form of 'unfreedom in our collective speech situation' (p. 43), if not to the authority of reason itself since we would be deliberating and reaching decisions on inadequate knowledge. Deflated credibility judgements are symbolically violent acts that erode the speaker's humanity because of their effects on her capacity for reason. The other dimension involves being degraded as a speaker of a social type (woman, black, Traveller) where the negative identity prejudice constructs the speaker as less than human and so dishonours her (p. 46). This dimension of harm is literal. Giving information to others, having the resources to intelligibly interpret our experiences, is integral to our rationality, dignity and agency—to our sense of who we are and what we know.

This primary harm has follow-on secondary harms, consisting of practical and epistemic harms. Practical harms might include sex and racial discrimination in professional, legal and educational contexts, which may be one-off

or persistent, depending on the nature and degree of the identity prejudice. Then there is the epistemic dimension of the secondary harm caused by testimonial injustice. In incidental, or one-off cases, credibility deflation may undermine a person's confidence or trust in their abilities or skills, such as a student accepting that she has no aptitude for engineering or a working-class woman with only a further education degree failing to apply for a senior managerial role (she takes herself to lack the authority, class or correct accent). Persistent testimonial injustices ramify in other areas of social life and can have grim consequences for the person affected. As Fricker explains, not only is the person repeatedly subject to the intrinsic epistemic insult that is the primary injustice, but where this persistent intellectual undermining causes them to lose confidence in their beliefs and/or their justification for them, they literally *lose knowledge* (Fricker, 2007, p. 49).

In the case of sexual assault, the speaker may come to doubt that she was assaulted, agree under pressure that she gave (signalled) consent or that she brought it on herself (her clothing/demeanour), or give up defending herself against continual attacks on her interpretation of events and on her integrity. The loss of epistemic confidence may inhibit the acquisition of intellectual virtues such as 'intellectual courage', which includes a 'willingness to conceive and examine alternatives to popularly held beliefs', perseverance against opposition and 'determination to see such a project through to completion' (Montmarquet, 1993, p. 23, cited in Fricker, 2007, p. 50). The harms caused to the complainant are manifold—ongoing trauma, shame, stigma, fear, loss of confidence, self-loathing, lack of self-worth, distrust, loss of confidence in the criminal justice system and in others, poor health outcomes and increased risk of substance abuse (ONS, 2020; WHO, 2021). As bad as that she may not *know* who she is anymore or doubt that she *knows* anything. However, and as I observed above, the ramifications of the intrinsic harm to the complainant reverberate throughout society—influencing women's reluctance to come forward, and the knowledge that rape cases have the highest rates of attrition and the acquittal rate is high (CEDAW, 2017).

Hermeneutical injustice

The central idea in Fricker's contextually sensitive⁷ conception of hermeneutical injustice is that dominant social groups tend to have the power to shape or define collective forms of social understanding (2007, p. 148). The powerful have appropriate understandings of their own experiences while the powerless are more likely to have 'ill-fitting meanings' to draw on to make sense of a shared collective experience. Fricker gives two examples from Susan Brownmiller's (1990) account of the women's liberation movement in the 1960s USA. The first is an account of a workshop on women's medical and sexual issues during which a participant, Wendy Sandford, a white, upper-class woman from a Republican family, realises that the depression from which she had been suffering and for which her husband had castigated her was postpartum depression. The hermeneutical light came as she realised that her depression was not her 'personal deficiency. It was a combination of physiological things and real societal thing, isolation' (Brownmiller, 1990, p. 182, cited in Fricker, 2007, p. 149). The second example describes the moment when a group of women realised that they had an experience in common but which they could not name until they deliberated together: 'Eight of us were sitting in an office ... brainstorming about what we were going to write on the posters for our speak-out... We wanted something that embraced a whole range of subtle and unsubtle persistent behaviors. Somebody came up with "harassment". *Sexual harassment!*' (Brownmiller, 1990, pp. 280–281, cited in Fricker, 2007, p. 151). The women could name their collective social experience. The term is now used in law in most countries.

In the first example, Stanford struggled not only to make sense of her own experience of postnatal depression, but also against a socio-medical structure in which the condition was 'collectively ill-understood' (Fricker, 2007, p. 149). In the second, the sexually harassed women suffered a 'cognitive disablement' that prevented them from understanding a significant area of experience that was in their strong interests to understand. In both examples, the women filled the hermeneutical gaps to name a collective experience that was causing women harm as individuals and as a social group resulting from asymmetrical gendered power relations. Until the point of naming, describing and calling out (the then) obscure harms, the women were hermeneutically marginalised—their unequal

participation in medicine, politics, journalism and law meant that they were disabled from contributing to the collective hermeneutical resource. Epistemically, this marginalisation is unjust because the hermeneutical resource is 'structurally prejudiced' (p. 155). The collective hermeneutical resource gives rise to interpretations of a social experience (postnatal depression or sexual harassment) that are biased because 'insufficiently influenced by the subject group, and therefore unduly influenced by more hermeneutically powerful groups' (p. 155). When men determine the interpretation of sexual harassment as 'good old-fashioned flirting', postnatal depression as just 'hysterics', or the myth of rape that 'if a woman didn't want it, she couldn't possibly be raped; she'd scream for help', the imbalance in hermeneutical interpretation is clear. Women will, most often, give very different interpretations of these oppressive sexist norms that regulate hermeneutical and epistemic practices. At work is identity power that sustains these structural prejudices.

Morally and ethically, such marginalisation is wrong because it is discriminatory and likely prejudicially to impact the legitimate interests of the powerless as a social type: dignity and respect in the workplace, access to appropriate postnatal care, and supportive networks and bodily integrity. These processes are akin to the identity prejudice described in testimonial injustice. In the hermeneutical case, it can be described as 'structural identity prejudice' (p. 155). Hermeneutical injustice is, therefore, explained as:

The injustice of having some significant area of one's social experience obscured from collective understanding owing to a structural identity prejudice in the collective hermeneutical resource. (p. 155)

Once again, the injustice is systematic because hermeneutical injustice tracks the individual across various dimensions of social life and renders the social group to which she belongs susceptible to different forms of injustice. These include the beliefs that assaulted or raped women should have fought back or that they cannot remember events accurately because the attack never happened.

The relationship of neuroscience ignorance to hermeneutical injustice

What I now discuss is a prime example of hermeneutical injustice and of what should be included in RSE. The issue exemplifies why, if victims of sexual assault and violence are to have anything approximating justice in the criminal justice system, they, their teachers, peers, parents, judges and defence counsel need the interpretive resources and corresponding language to describe and make sense of all-too-common experiences: unwanted sexual attention, sexual coercion, assault and violence. If common rape and gender-based myths are to be dismantled—such as that 'no' means 'yes', or that a real victim would have fought back—young people need to know and understand how the brain responds when a person is threatened or being attacked, and why, therefore, rape mythologies are so unjust and injurious according to the epistemic analysis offered in this paper.

It is important that young people (and adults, of course) understand that victims can experience an overwhelming sense of disempowerment and disconnection (Hopper, 2020; Van Der Kolk, 2015), and why they may not be able to 'scream for help'. This is a visceral response that comes from being treated as an object, shattering their beliefs about who they are (Hopper, 2020). Key circuitry becomes engaged (hyper-arousal), disengaged (shut down or catatonic) or disconnected from other parts of the brain during an attack (e.g., from memory systems). A key brain circuitry is the prefrontal cortex, which controls executive functions. It is implicated in many complex behaviours, such as setting goals, reasoning processes, drawing on memories, monitoring behaviour and controlling emotions. High stress and fear impair the functions of the prefrontal cortex. Instead, it focuses on minor details to dissociate the victim from the terror of what is happening, yet this is used against the victim to deflate her credibility and inflate the credibility of the attacker.

Another key piece of circuitry is the amygdala. It continually appraises the environment for danger. If the person becomes overwhelmed with fear, the amygdala becomes the dominant circuit, shutting off the functions of the

prefrontal cortex, which is why we struggle to remember or do even the simplest of things. These are survival reflexes, hard-wired by evolution and outside of conscious choice; they are not, therefore, indicative of consensual sex.

One of the most common questions asked of victims is why they did not flee, scream or fight back. This question is based on the myth of the fight or flight response, about which many of us are ill-informed. What is not commonly understood is that prey first freeze, then flee if they can, and humans evolved as prey. Freezing, which is controlled by the autonomic system, a component of the peripheral nervous system that regulates involuntary physiological processes such as the heart rate, is out of our control; it is the first state of attack. If the person realises that the attack is inevitable, or that there is no way out, the body's metabolism reduces, heart rate plunges, breathing becomes sharper, and the person freezes, collapses or disengages (Van der Kolk, 2015, p. 83). Awareness of oneself and others is shut down. In this state, physical pain may not even be registered. Except when the person is the victim of repeated sexual abuse, freezing does not happen in consensual sex (Hopper, 2015). If this line of questioning is pursued in the courts or within the media, we can see how epistemically unjust it is. The claimant in the Belfast Rape Trial described similar responses. Many teachers are uncomfortable teaching the sex element of RSE. The neurology, however, is critical to understanding what happens to us all when we are threatened and perceive danger, and why we seem to lose control of our responses.

The role of habit responses to unwanted sexual advances offers further insights into why gender-based myths persist, and why this must be included in RSE curriculum. The National Society for the Prevention of Cruelty to Children (NSPCC, 2022) estimates that about one third of all cases of child sexual abuse are committed by peers, with incidences ranging from looking up skirts, sharing indecent images and rape. Polite refusals or excuses, such as that the victim's boyfriend is waiting or would be upset if she had sex with the perpetrator, are conditioned by gender socialisation processes, especially in women, not to reject an advance, to avoid anger and to be submissive. This is a face-saving strategy for both the victim and the perpetrator. However, according to Hopper (2015), rapists prey on socialisation habits. Ineffective pleas are a sign of fear, and that the prefrontal cortex is not working. Unfortunately, polite, rather than assertive or aggressive refusals, are taken to mean that the victim was, in fact, weakly consenting in order not to appear as if she wanted to engage in sex. Ignorance about these socialisation processes puts both the potential victim and perpetrator at a hermeneutical disadvantage: the perpetrator because he is socialised to believe that weak smiles, weak pleas or giggles mean 'yes', and so does not (or chooses not to) detect the fear; the victim because had she the interpretive resources to make the right judgement about what is really happening, may have been more assertive, and at least not blamed herself for giving the 'wrong signals'. The victim is also testimonially disadvantaged because the myths about what constitutes consent deflate the credibility of 'no'; she really means 'yes'. Consent must, therefore, be integral to a radical RSE.

Another common myth, and devastating strategy, that is used to dismantle the credibility of the complainant is that poor and inconsistent memory is a sign that the attack did not take place. But this shows no understanding (whether deliberate or from real ignorance is another matter) of human physiology, endocrinology or neuroscience. The thalamus is central to attention, concentration and new learning (Van der Kolk, 2015). It collects and relays information from our eyes, ears and skin and integrates them into an 'autobiographical memory' (Van der Kolk, 2015, p. 70). When a person is threatened or under attack, the thalamus' functions become impaired and disconnected from the frontal lobes (which regulate our sense of location and time), which also shut down. Victims therefore remember events as 'isolated sensory imprints', accompanied by 'intense emotions, usually terror or helplessness' (p. 70). The memories may not be encoded or integrated but the fragments may be correct and intensely experienced. Yet this autonomic response is offered as evidence that the complainant is lying. Here again hermeneutical injustice is apparent. Since women and children, traditionally, have not contributed to, or been consulted on, the epistemic resources that define consent, or the effects of trauma on encoding memory, the powerful retain their identity power and the power to set the terms of what we can fully know, leaving the social imagination basically intact. It is critical that the social imagination, that 'mighty resource for social change' (Fricker, 2007, p. 38), be directly and radically reshaped as early as possible in young people's lives. A bold, imaginative, creative, interdisciplinary RSE curriculum could be the place to start.

DEVELOPING A RESPONSIVE RSE CURRICULUM

RSE is an obvious place to educate young people about sexual offences and rape mythologies. A responsive RSE curriculum needs to include content on what constitutes consent, which challenges negative prejudicial sex and gender stereotypes, toxic masculinities, child abuse, rape myths and the trauma of rape and sexual violence, misogyny and sexism along with the realities of sex, its pleasures and its harms. It is simply naïve to expect young people to abstain from sex; it is potentially harmful to use fear to deter young people from having sex or to leave them in a state of ignorance about sex, sexuality, sexual health and what healthy sex lives are about (as opposed to the fantasies peddled by pornography). RSE needs radical revision, an interdisciplinary approach that combines, for example, sociology, politics, biology/neurology, feminism, children's rights and ethics. A radical and realistic curriculum would examine unflinchingly the sources of our common harmful stereotypes, and the harms they can bring, and reflect the reality of young people's lives. RSE should obtain the same status as other subjects on the curriculum, such as Maths, Sciences, Humanities, Languages and the Arts.

Basic facts and processes of neuroscience, along with the psychological and social reasons for why victims often do not resist their attackers, supported by media and good sex literacy, could go a long way to dispelling rape mythologies. A standardised but bold RSE that included these components could mean that victims are better understood, their accounts listened to with understanding and sympathy, and without bias or prejudicial assumptions. Complainants may also have a better chance of achieving a conviction—and therefore justice, including epistemic justice: the complainant would be regarded as a knower of her own experience and a credible conveyor of knowledge. The social imagination may be relieved of its burdens of prejudicial stereotypes, reducing in the process the sexism and misogyny that pre-emptively and actually harm both women and men. This requires not only the concerted and sustained political and social will to bring about these achievements but also, crucially, the involvement of young people in the design of curriculum content and resources as credible knowers and producers of adolescent sexual experiences.

However, we must deal with political and religious realities. The barrier to a more effective RSE curriculum than the one schools have at present in Northern Ireland is that the Council for Curriculum, Exams and Assessment does not 'stray into' the content of teaching and learning in schools. It offers 'signposting' and a hub⁸ for resources that teachers may use to teach consent, contraception, domestic and sexual violence and abuse, for example. The Department for Education requires grant-aided schools to develop their own RSE according to the ethos of the school and the wishes of parents and pupils. The problem with offering only guidelines and a hub is that schools can avoid teaching RSE that deals with LGBTQ, contraception, consensual sex outside of marriage, and other difficult issues if they deem it to undermine their Christian ethos. The result is that students receive inconsistent and inadequate RSE. Although there is increasing consensus that RSE should be standardised and reflective of the realities that confront young people, and that young people should be involved in the design and content of the curriculum (Belfast Youth Forum, 2019), the DUP, which currently controls the Department of Education,⁹ will not support any such proposals. Schools, parents and pupils should decide the content in accordance with the school's ethos, which means the maintenance of the status quo.

The DUP is unlikely to change its position, despite the necessity for a high-quality, inclusive RSE and the support of two expert panels to the Department of Communities on sex education and gender equality.¹⁰ As the Gillen Review (2019a, p. i) bluntly states, 'sex crime is one of the worst violations of human dignity'. The review acknowledges the scale and 'alarming prevalence' of sex crimes, and the devastation they wreak on lives. Despite some positive changes to law and procedure, and various government initiatives over three decades, sex offences 'still seem to defy the ordinary trial process' (p. i). Complainants and the accused must have confidence that rape myths are dispelled. Challenging public attitudes to sexual violence, rape, sexism and misogyny is critical, and that challenge, while it needs to be undertaken in all spheres of activity, must also be done in schools. The fourth of Gillen's beliefs about the necessity for change is that:

Positive affirmative education on the realities of serious sexual offences and their consequences must be given not only to juries actually hearing these cases but, perhaps more importantly, to the public at large and our children in particular if we are to embrace a truly just, fair and civilised concept of the rule of law. (Gillen, 2019a, p. v)

Realising a visionary RSE will be no mean feat, therefore, given the conservative nature of Northern Irish society and the structure of the school education system, which grants autonomy to schools to decide what can be covered in RSE. It remains to be seen how and to what extent the Gillen report and the recommendations of the expert panels on RSE will be enacted, and whether a change in the political fortunes of the major political parties in Northern Ireland after the May elections in 2022 will drive forward at minimum a standardised RSE. Those of us interested in this issue predict that change will be, at best, very slow.

ACKNOWLEDGEMENTS

My grateful thanks to Amy Hanna, Clare Kilgallon, Joanne O'Keeffe, Pat McGuckian and Mohammed Owaineh for commenting constructively on this paper.

ENDNOTES

- ¹Fricker's account has, in any case, been well received, and several thinkers have developed her analysis in highly interesting and compelling ways. For example, Anderson (2012), Polhaus (2012), Medina (2013), Dotson (2014) and Kidd and Carel (2016). For a very good overview, including schools of thought and case studies, see the *Routledge Handbook of Epistemic Injustice* (2017), edited by Kidd, Medina and Polhaus. For criticism of Fricker's work on hermeneutical injustice, see Berenstain (2020).
- ²I have been teaching epistemic injustice for several years now. The student evaluations reveal the powerful and empowering impact of the module on their understanding of speaker-speaker injustice. The diminishment of women's health problems, gender and disability discrimination feature prominently in discussions of epistemic injustice.
- ³See Peter Coulter, BBC at <https://www.bbc.co.uk/news/uk-northern-ireland-51086276>. Despite formal abortion rights, there have been challenges to the legislation, and there are no abortion services in Northern Ireland, forcing women to travel to Scotland, for example.
- ⁴An audio account of the trial can be heard on RTE, Doc on One, Notes from a Belfast Trial, <https://www.rte.ie/radio/doconone/1011596-notes-from-a-belfast-rape-trial>
- ⁵The text exchanges can be read in *The Irish Times* (2018). <https://www.irishtimes.com/news/crime-and-law/the-text-exchanges-revealed-at-the-belfast-rape-trial-1.3444294>
- ⁶The figures have risen, however, since the start of the COVID-19 pandemic. At the time of writing, the conviction of Ghislaine Maxwell for recruiting and trafficking young women to be abused by Jeffrey Epstein may encourage women to come forward after this landmark verdict. According to Maggy Krell, a former prosecutor, Maxwell's defence strategy relied on 'blaming, shaming and dismantling the testimony of four women'. The defence alleged that the 'groupie' victims had made up the convictions for financial gain and sought to undermine their trustworthiness and integrity. See 'Think' at <https://www.nbcnews.com/think/opinion/ghislaine-maxwell-s-guilty-verdict-exposes-defense-s-victim-blaming-ncna1286352>
- ⁷I add the qualifier in light of Medina's (2013) appreciative critique that Fricker's conception, though groundbreaking, is not plural or relational enough. Medina enriches Fricker's account by advancing the idea of polyphonic silences and how groups break these depending on their mutual positionality, responsiveness and relationality within specific domains (in Medina's case, the focus is, e.g., 'white ignorance'). See chapter 3 of Medina's book. For the purposes of this paper, however, Fricker's account works very well.
- ⁸See <https://cce.org.uk/learning-resources/relationships-and-sexuality-education-rse/about-relationships-and-sexuality>
- ⁹Elections to Stormont took place on 5th May 2022. Sinn Fein in Northern Ireland became the majority party in Stormont. Michelle O' Neill, the leader of the party in Northern Ireland, is now the first minister, a position always held by the DUP. As Professor Peter Shirlow of the Institute of Irish Studies reported to *the Guardian* (25th April 2022), 'It will be the death throes of Protestant unionism, a rejection, not of the constitutional position but people saying "enough", we support the union, but we won't vote for homophobes, we won't vote for misogynists, we won't vote for this never-ending crisis politics'. <https://www.theguardian.com/uk-news/2022/apr/25/northern-ireland-what-could-historic-election-win-for-sinn-fein-mean>. Sinn Fein is generally regarded as more progressive than the Unionist parties.
- ¹⁰The expert panels include Transgender NI, the Rainbow Project, WRDA and the Women's Support Network, and ARK (Access Research Knowledge).

REFERENCES

- Amnesty International (2008) Violence against women: the perspective of students in Northern Ireland. Amnesty International, UK. Available at: https://www.womensaid.ie/assets/files/pdf/vaw_student_survey_ni.pdf [Accessed 26th December 2021].
- Anderson, E. (2012) Epistemic justice as a virtue of social institutions. *Social Epistemology: A Journal of Knowledge, Culture and Policy*, 26(2), 163–173.
- Archard, D. (2007) The wrong of rape. *The Philosophical Quarterly*, 57(228), 374–393.
- Ashe, F. (2012) Gendering war and peace: militarized masculinities in Northern Ireland. *Men and Masculinities*, 15(3), 230–248.
- Ashe, F. & Harland, K. (2014) Troubling masculinities: changing patterns of violent masculinities in a society emerging from political conflict. *Studies in Conflict & Terrorism*, 37(9), 747–762. <https://doi.org/10.1080/1057610X.2014.931210>
- Beattie, J. (2018) 'Worst night ever, so I got raped': full transcript of WhatsApp messages key to Paddy Jackson and Stuart Olding Trial. *Mirror*, 16th April. Available at: <https://www.mirror.co.uk/sport/rugby-union/worst-night-ever-raped-full-12271869> [Accessed 27th December 2021].
- Beckett, H. & Schubotz, D. (2014) Young people's self-reported experiences of sexual exploitation and sexual violence: a view from Northern Ireland. *Journal of Youth Studies*, 17(4), 430–445.
- Belfast Youth Forum (2019) *Any use? Report. Young people's opinions on relationship and sex education (RSE) in Belfast*. Belfast: Belfast City Council. Available at: <file:///Users/alisonmackenzie/Downloads/Any%20use%20report.pdf>
- Best, R. (2017) The entitled men of Northern Ireland. Blog. March 9. <https://flybythosenets.com/blog/the-entitled-men-of-northern-ireland-sexism-feminism-masculinity> [Accessed 27th December 2021].
- Berenstain, N. (2020) White feminist gaslighting. *Hypatia*, 35(4), 733–758. <https://doi.org/10.1017/hyp.2020.31>
- Blunt, R. (2019) Femicide: the murders giving Europe a wake-up call. BBC Europe. 7th September. Available at: <https://www.bbc.co.uk/news/world-europe-49586759> [Accessed 27th December, 2021].
- Brownmiller, S. (1990) *In our time: memoir of a revolution*. New York: Dial Press.
- Burt, M.R. (1980) Cultural myths and supports for rape. *Journal of Personality and Social Psychology*, 38(2), 217–230.
- Burrowes, N. (2013) *Responding to the challenge of rape myths in court: A guide for prosecutors*. Pro-Bono Report. London: NB-Research.
- CEDAW (2017) *Launch of CEDAW general recommendation No.35 on gender based violence against women, updating general recommendation No.19*. Geneva: OHCHR.
- Dotson, K. (2014) Conceptualising epistemic oppression. *Social Epistemology: A Journal of Knowledge, Culture and Policy*, 28(2), 115–138.
- Doyle, J. & McWilliams, M. (2019) Transforming responses to domestic violence in a politically contested environment: the case of Northern Ireland. *feminists@law*, 9(1). <https://doi.org/10.22024/UniKent/03/fal.744>
- Ellison, L. & Munro, V. (2009) Reacting to rape: exploring mock jurors' assessments. complainant credibility. *British Journal of Criminology*, 49, 202–219.
- Feenan, D. (2019) Rugby, misogyny, and the continuing implications of the Belfast rape trial. Blog, 12th September. Available at: <http://dermotfeenan.com/index.php/2019/09/12/rugby-misogyny-and-the-continuing-implications-of-the-belfast-rape-trial/> [Accessed 22nd December 2021].
- Flanagan, R. The panopticon of pleasure: an exploration into religion and sexual subjectivities of Northern Irish women. Doctoral thesis, Queen's University, Belfast. Forthcoming.
- Fricker, M. (2007) *Epistemic injustice: the power and ethics of knowing*. Oxford: Oxford University Press.
- Gallagher, C. (2018) Inside court 12: the complete story of the Belfast rape trial. *The Irish Times*, 28th March. Available at: <https://www.irishtimes.com/news/crime-and-law/inside-court-12-the-complete-story-of-the-belfast-rape-trial-1.3443620> [Accessed 24th December 2021].
- Gillen, J. (2019a) Gillen review: report into the law and procedures in serious sexual offences in Northern Ireland (parts 1 and 2). Department of Justice, Northern Ireland. Available at: <https://www.justice-ni.gov.uk/publications/gillen-review-report-law-and-procedures-serious-sexual-offences-ni> [Accessed 28th December 2021].
- Gillen, J. (2019b) *Gillen review: report into the law and procedures in serious sexual offences in Northern Ireland: recommendations*. Department of Justice, Northern Ireland. Available at: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-recommendations.pdf> [Accessed 28th December 2021].
- Hopper, J. (2020) *Important things to get right about the 'neurobiology of trauma'*. End Violence Against Women International, US Department of Justice. With contributions from Kimberly A. Lonsway and Joanne Archambault. Available at: <https://evawintl.org/wp-content/uploads/TB-Trauma-Informed-Combined-1-3.pdf> [Accessed 29th December 2021].
- Hopper, J. (2015) Neurobiology of trauma and sexual assault. Tufts University. Available at: https://www.youtube.com/watch?v=dwTQ_U3p5Wc [Accessed 28th December 2021].
- Kavanagh, T. (2019) *Ballycross RFC: sectarianism, masculinity and racism in a Northern Irish Rugby Club*. Doctoral thesis, University of Waikato. Available at: <https://researchcommons.waikato.ac.nz/bitstream/handle/10289/12419/thesis.pdf?sequence=4&isAllowed=y> [Accessed 29th December 2021].

- Kidd, I.J. & Cavel, H. (2016) Epistemic injustice and illness. *Journal of Applied Philosophy*, 34(2), 172–190.
- Kidd, I.J., Medina, J. & Polhaus, G. (2017) *The Routledge handbook of epistemic injustice*. Oxon: Routledge.
- Killean, R., Dowds, E. & McAlinden, A.M. (2021) Sexual offence trials in Northern Ireland: the cultural and legal dimensions. In: Killean, R., Dowds, E. & McAlinden A.M. (Eds) *Sexual violence on trial: local and comparative perspectives*. London: Routledge, pp. 3–21.
- Killean, R., McAlinden, A.-M. & Dowds, E. (2018a) Sexual Violence on Trial: Local and Comparative Perspectives: A Conference Organised by the Queen's University Belfast Human Rights Centre and Gender Network.
- Killean, R., McAlinden, A.-M. & Dowds, E. (Eds.) (2018b) *Review of arrangements to deliver justice in serious sexual offence cases: submission by Queen's University Belfast School of Law*. Northern Ireland: Criminal Justice Board.
- Leverick, F. (2020) What do we know about rape myths in jurors' decision making? *The International Journal of Evidence & Proof*, 24(3), 255–279.
- McBride, R.-S. & Schubotz, D. (2017) Living a fairy tale: the educational experiences of transgender and gender non-conforming youth in Northern Ireland. *Child Care in Practice*, 23(3), 292–304. <https://doi.org/10.1080/13575279.2017.1299112>
- McKay, S. (2018) How the Rugby rape trial divided Ireland. *The Guardian*, 4th December. Available at: <https://www.theguardian.com/news/2018/dec/04/rugby-rape-trial-ireland-belfast-case> [Accessed 28th December 2021].
- Media, J. (2013) *The epistemology of resistance: gender and racial oppression, epistemic injustice, and the social imagination*. Oxford, NY: Oxford University Press.
- Montmarquet, J.A. (1993) *Epistemic virtue and doxastic responsibility*. London: Rowman and Littlefield.
- Nagel, J. (2000) Ethnicity and sexuality. *Annual Review of Sociology*, 26(1), 107–133.
- NSPCC (2022) School child abuse helpline receives hundreds of calls in first six weeks. Available at: <https://schoolsweek.co.uk/school-child-abuse-helpline-receives-hundreds-of-calls-in-first-6-weeks/> [Accessed 30th December 2021].
- Office for National Statistics (ONS) (2020) Nature of sexual assault by rape or penetration, England and Wales: year ending March 2020. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/natureofsexualassaultbyrapeorpenetrationenglandandwales/yearendingmarch2020> [Accessed 30th December 2021].
- Polhaus, G. (2012) Relational knowing and epistemic injustice: toward a theory of wilful hermeneutical ignorance. *Hypatia*, 27(4), 715–735. <https://doi.org/10.1111/j.1527-2001.2011.01222.x>
- PSNI (2021) Police recorded crime in Northern Ireland. Update to 30th November 2021. Available at: https://www.psnipolice.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/2021/november/crime-bulletin_nov-21.pdf [Accessed 2nd January 2022].
- RTE (2018) Doc on One, Notes from a Belfast rape trial (radio broadcast). 17 November 2018. Available at: <https://www.rte.ie/radio/doconone/1011596-notes-from-a-belfast-rape-trial>
- Suarez, E. & Gadalla, T.M. (2010) Stop blaming the victim. A meta-analysis on rape myths. *Journal of Interpersonal Violence*, 25(11), 2010–2035.
- The Irish Times (2018) The text exchanges revealed at the Belfast rape trial. 29th March. Available at: <https://www.irishtimes.com/news/crime-and-law/the-text-exchanges-revealed-at-the-belfast-rape-trial-1.3444294>
- Van der Kolk, B. (2015) *The body keeps the score: brain, mind and body in the healing of trauma*. London: Penguin.
- WHO (2021) Violence against women. 9th March. Available at: <https://www.who.int/news-room/fact-sheets/detail/violence-against-women> [Accessed 2nd January 2022].
- WRDA (Women's Resource & Development Agency) (2020) Gender inequality in Northern Ireland: where are we in 2020? Available at: <https://wrda.net/2020/02/07/gender-inequality-in-northern-ireland-where-are-we-in-2020/> [Accessed 3rd January 2022].
- York, L. (2019) *Attitudes to sexting amongst post-primary pupils in Northern Ireland: a liberal feminist approach*. PhD thesis, Queen's University, Belfast.
- York, L., MacKenzie, A. & Purdy, N. (2021a) Sexting and institutional discourses of child protection: the views of young people and providers of relationship and sex education. *British Educational Research Journal*, 47(6), 1717–1734. <https://doi.org/10.1002/berj.3751>
- York, L., MacKenzie, A. & Purdy, P. (2021b) Attitudes to sexting amongst post-primary pupils in Northern Ireland: a liberal feminist approach. *Gender and Education*, 33(8), 999–1016, <https://doi.org/10.1080/09540253.2021.1884196>

How to cite this article: MacKenzie, A. (2022) Why didn't you scream? Epistemic injustices of sexism, misogyny and rape myths. *Journal of Philosophy of Education*, 56, 787–801.
<https://doi.org/10.1111/1467-9752.12685>