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**Menstrual Experience and Structural Injustice:
Why Menstruation Should Be a Political Matter**

by

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Dedicated to my sister Rebecca,
and to Marielle Franco and Ilaria Cucchi

Abstract

In this thesis, I argue that menstruation should be a political matter and that institutions should treat women *justly* with regards to their menstrual experience. I justify this claim through the concepts of *structural injustice* and *oppression* developed by Iris Marion Young. I will apply Young's *faces of oppression* to women's menstrual experience to show which one of these faces of oppression women are structurally subjected to. I show how structural injustices are embedded in our economic and taxation system and in our everyday life epistemic activities. In the second chapter, indeed, I consider tampon tax and argue against it. I claim that the tampon tax cannot be justified, because an alleged justification would fail to consider menstrual products as necessities and because such taxation does not serve the purpose of distributive justice. In the third chapter, I assess judgements of injustice with the lens of epistemic injustice and argue that women are wronged in their capacity as a knower. Finally, I retrace the reason why institutions and policy makers should tackle the problem of women's menstrual experience.

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Introduction

While I am writing this thesis, Italy, the country where I am from, finds itself in a complete lockdown due to the covid-19 pandemics. Such a new and unexpected situation raised so many urgent, ethical and political questions, especially in the field of gender equality, to the point that my motivation for writing a thesis about what seemed to be a non-high priority topic was falling apart. For weeks I kept asking myself what was the point of writing about menstruation while in Italy gender equality is threatened by more urgent and basic matters, among which there is the dramatic increase, during the quarantine, of rates of femicides and domestic violence perpetrated by men against women. While I was planning how to structure the chapter about the tampon tax, my own country was not making any efforts to avoid the suspension of abortion procedures due to the pandemic, not recognising abortion as a primer necessity, despite it has been a right in all respect since 1978. I started wondering what was the point of writing about the importance of recognising and understand menstruator experiences to avoid epistemic injustices, while female workers were questioning more practical and urgent dilemmas, forced to choose between their children and their jobs, since the Govern decided not to reopen schools, ignoring all the data and evidence showing how the responsibility for the *work of care*, in Italy, still lies mostly among mothers and women in general.

And yet, despite all this, I think there is still a reason why we should talk about menstruation and there is a reason why periods should be considered when we talk about inequalities among genders. If we want to achieve gender equality, we should look at the differences between genders and understand if institutions manage those differences *justly*, and, if not, we should try to discover the existence of patterns of inequalities. And here, menstruation blood makes the difference: in this thesis I will talk about a kind of blood that has been politically ignored for too long. Because menstruation is not just a matter of blood.

Menstruation is about taboo, shame and the need to hide something:

[middle school]

-Hey, I have *my things*, can I borrow one of your *you-know-what*?

-Yes, sure. Here it is.

Menstruation is about uneasiness and social discomfort:

[high school]

-Hey, psst Sara. Can you check if I'm dirty back there?

-Yes, walk two steps in front of me and I'll pretend to pick up this pen from the ground.

It is about physical pain and disadvantage:

[university]

-Oh no.

-What?

-I have my economics test tomorrow and I just got my period

-So what?

-Well, it's painful and exhausting! I'm so *unlucky*...

-Come on, it will be fine!

It is about social stigma:

[when a woman shows anger]

-Are you crazy or just on your period?!

It is about economic disadvantage

[during the course of a lifetime]

Two words: tampon tax

Those are just everyday-life examples, very simple and down-to-earth. They are the kind of experiences that every girl and woman can easily relate to and understand. So common that even most of the women think of them as *just normal*.

What I want to show in my thesis is that they are not normal at all. I want to show how the menstrual experience of a woman is not considered as politically significant and why it should be. I want to show that, since half of the population menstruate due to biological reasons, a tax on menstruation products is a form of discrimination. I want to show that there

is an urgency to consider menstrual products as necessities. I want to talk about women's experience through the lens of epistemic justice showing how women are victims of epistemic injustices when their physical and mental pain is not properly tackled in politics and understood by society and by institutions.

The question is: how did it happen that body-difference between males and females, which were supposed to remain mere biological differences, turn out to be social differences and social inequalities? I believe it is urgent to look closely at how society, institutions, politics and the economic system deal with these differences, because only by analyzing them we can really understand whether, to what extent, and how structural injustices against a specific group (in this case, women) are perpetrated, as well as what is the most effective way to dismantle them.

Both in developed and developing countries, justice within the issue of menstruations has not been achieved and it contributes to increasing the justice gap between men and women, especially regarding economical differences, educational aspects and access to proper healthcare. The issue of menstruation permeates several interesting fields: from healthcare (e.g. what is the impact of menstrual hygiene in the life of female adolescents? Do women around the world have access to sanitary products? Where and at what price?); to economics (e.g. what are the menstrual products and what is the role of corporations here? Why does the tampon tax exist? What is period poverty?); to philosophy and biology (e.g. why is menstruation not considered a physiological necessity? What is a necessity?); to sociology and psychology (e.g. the shame, fear and embarrassment involved around menstruation); to religion and common knowledge (e.g. why are young girls and boys not being educated about this?). In light of all these, I will elaborate my work on the following ethical and political issues: structural inequalities, group inequalities, epistemic injustice, substantial freedom, vulnerable groups, and distributive justice.

In the first chapter, I will argue that women and menstruators face injustices that could be recognised in specific *faces* of oppression, in certain institutional treatment and in institutional non-acceptance of female body features. To do so, I will use the concepts of structural injustices and oppression developed by Iris Marion Young which will help me to

introduce the following chapters, namely the one about tampon tax and the one about epistemic injustice. In the second chapter, I will argue that tampon tax is unjust and it causes systemic economic disadvantages to women's already impaired condition with respect to men. The third chapter will regard epistemic injustice, and it will show that too often women are known for their high level of pain tolerance and, when it comes to menstruation, menstrual pain is not considered a real pain, even if some women claim they suffer from it. Moreover, I will investigate the reason why some women think they should not complain about this specific pain.

Given what has been said in the previous parts, I will conclude that the way institutions and society deal with issues like menstruations should be challenged and modified in order to pursue social justice.

Chapter I - Menstruation and Structural Injustice

The purpose of this chapter is to give an overview of Iris Marion Young's account of *structural injustice*, *oppression* and conception of *social groups* in order to justify my claim that institutions should tackle the issue of menstrual experience if they are interested in pursuing social justice and substantial freedom. To do so, I will firstly elaborate some reflections on Young's conception of structural injustices and social groups, agreeing with her on the necessity to conduct a group-based identification in order to discover those patterns of inequalities that could tell us a story of systemic injustice. Afterwards, I will claim that institutions have the duty to challenge and modify their attitude towards women's menstrual experience by adopting Young's classification of *five faces of oppression*, and Schemmel's idea of *relational equality*. More specifically, I will claim that women and menstruators face injustices that could be recognised in specific *faces* of oppression, in certain institutional treatment and in institutional non-acceptance of female body features. Notwithstanding the fact that it should be noticed that not all women are menstruators and not all menstruators are women, as it is the case of non-binary people or transgender men, here I choose to tackle the issue of menstruation by referring to those who menstruate as women instead of menstruators, because assessing degrees of inequality among gender-based groups will help us to identify those gender-based structural inequalities that, otherwise, we could have not discovered. However, claims of epistemic, structural and economic injustices will perfectly apply to all the people who suffer them and find themselves as menstruators but not women. The claims I will make in this chapter will be further enhanced by the second and third chapters, which will clearly show how two menstrual-related types of inequalities among genders (namely, systemic economic disadvantage and epistemic injustice) could tell us a story of systemic injustice and structural oppression.

1.1 - Structural Injustice and Oppression: An Overview

“Cages. Consider a birdcage. If you look very closely at just one wire in the cage, you cannot see the other wires. If your conception of what is before you is determined by this myopic focus, you could look at that one wire, up and down the length of it, and be unable to see why a bird would not just fly around the wire any time it wanted to go somewhere. Furthermore, even if, one day at a time, you myopically inspected each wire, you still could not see why a bird would have trouble going past the wires to get anywhere. There is no physical property of any one wire, nothing that the closest scrutiny could discover, that will reveal how a bird could be inhibited or harmed by it except in the most accidental way. It is only when you step back, stop looking at the wires one by one, microscopically, and take a macroscopic view of the whole cage, that you can see why the bird does not go anywhere; and then you will see it in a moment. It will require no great subtlety of mental powers. It is perfectly obvious that the bird is surrounded by a network of systematically related barriers, no one of which would be the least hindrance to its flight, but which, by their relations to each other, are as confining as the solid walls of a dungeon.”¹

Iris Marion Young gave an enormous contribution to the philosophical and political debates about normative ideals of equality and justice. Instead of focusing on questions about *what* we should care about when we make judgements of equality (resources? welfare? capabilities? care? love? primary goods?)² Young has the merit of having paid attention to the other side of the problem, namely *whom* we are talking about when we compare people’s position with regards to any or all of these goods and metric of equality. Before her contribution to this debate, philosophers assumed we should make judgements of equality by comparing the situation of different individuals. Despite this, many claims of injustice were

¹ Frye, Marilyn. *The Politics of Reality: Essays in Feminist Theory*. Trumansburg, NY: The Crossing Press, (1983).

² In political philosophy this debate is known as “Equality of what?” and it regards which distribution is justice concerned with. The debate, which I was introduced to thanks to Professor Ingrid Robeyns’ lectures and Sen’s and Nussbaum’s readings, mostly focuses on goods such as resources, primary goods, welfare and capabilities. Recently, goods like love, meaningful work and care have been included in this discussion. Contributors to the debate have not yet solved the issue about what metric of justice we should prefer over the others.

already comparing inequalities among groups of individuals, instead of individuals alone, showing how certain groups of people lacked equality with others. In fact, we are commonly aware that women lack equality with men, blacks with whites, old with you young, working class with upper classes, and so on³. What Young did was legitimating and justifying group-conscious judgement to assess inequalities, arguing that assessing inequality simply by comparing the situation of individuals instead of one of social groups provides a limited foundation to make claims about social justice. During the course of this thesis, I will support with practical and theoretical evidence Young's arguments, showing how certain inequalities could be more evident if tackled with an eye oriented to the group's situation and average social position. For now, I will briefly retrace Young's reasoning by displaying the most fruitful ideas she introduced to contemporary social justice debates (namely, structural injustices, institutional nonacceptance and the five faces of oppression) and I will apply them to our concerns of justice with regards to menstrual experience.

According to Young, judgements of equality are simply factual comparisons of different degrees or amounts of certain variables among individuals. Those comparisons have no moral force in themselves, unlike the judgements of social, economic and political equality usually have⁴, because they are just factual. If, for example, I decide to work part-time in order to dedicate more time to my passion of painting, I could not claim that I suffer an economic disadvantage in comparison with my colleague that earns more money because she chose to work full time in order to have the economic capacity to afford travels during the summer. The wage inequality among me and my colleague does not signal injustice. However, if we are concerned about judgements of equality it is because "we have a conception of justice for which such assessments of equality are relevant."⁵ Let us consider a more extreme drastic example: a new report from Oxfam showed that the world's 2,153 billionaires have more wealth than 4.6 billion people, that is the 60 percent of the planet's population⁶. If it does not seem so surprisingly that, globally, wealth distributions shows so significant disparities, let us then consider the situation of western and industrialised countries, such as the italian one: in

³ Young, Iris. Equality of Whom? Social Groups and Judgments of Injustice. *Journal of Political Philosophy* 9, no. 1-18 (2002)

⁴ *ibid*, 7

⁵ *ibid*, 7

⁶ Ratcliff, Anna, World's billionaires have more wealth than 4.6 billion people, Oxfam. (2020)

2015 the 20% of the Italian population held 67.7% of the national wealth, while a 60% of the population held the 14% of the national wealth⁷. To claim that there is something unjust with Italian's an unequal distribution of wealth, we should ask about the reason for such disparities by looking at the lives of those in the 20% compared with the lives of those in the group with little wealth. Quoting Young: "When we learn that more of the wealthy had wealthy parents, were educated at the most elite and resourced universities, and so on, and we compare their life opportunities with those in the less wealthy group, then we can begin to make judgements of justice."⁸ In this case, she argues, we have moved from inequality in terms of aggregation of individuals to comparisons of social groups, that in this case are social classes (Young, 2001). Here we see that those wealth inequalities are unjust because, by comparing groups, we happen to identify in order those social structures that involuntarily position people in the social context, constraining or privileging some more than others. I support Young's claim that identifying some pattern of inequalities (that is the mapping of the distribution of some good across society⁹) of condition among individuals we would have no understanding of the causes from which those inequalities are generated; because what really raises issues of injustice are the causes and consequences of the pattern of inequalities, rather than the pattern of inequalities itself¹⁰. She stresses the importance of addressing judgments of equality in terms of social groups, such as gender, race, class, sexual orientation, because only by measuring inequality through group-identification will reveal what she calls those *structural* inequalities, that are the kind of inequalities that are relevant to justice and that reveal how those social groups are treated by *structures* (institutions, policies, interactions) right because they are, willingly or unwillingly, part of that group. Structural inequality refers in fact to these socially and institutional conditions which limit someone's opportunities and actions: those conditions are *structures* in the sense that they act like the birdcage we mentioned in the introduction of this chapter: inhibiting the capacity of some people through "a set of relationships among assumptions and stereotypes, institutional politics, individual actions, following rules or choosing in self-interest, and collective consequences of these things,

⁷ Davos, Rainews. "In Italia due terzi della ricchezza nelle mani del 20% più facoltoso", *RaiNews* (January 2016)

⁸ Young, Iris. Equality of Whom? Social Groups and Judgments of Injustice. *Journal of Political Philosophy* 9, no. 1-18 (2002), 9

⁹ *ibid*, 15

¹⁰ *ibid*

which constrain the options of some at the same time as they expand the options of others”¹¹ that could look like they are the simple results of choices, luck or preferences, whereas they are actually a “net of restricting and reinforcing relationships”¹², which results in systemic disadvantage. According to Young we must then *tell a plausible story*, explaining how institutions, policies, interactions among individuals reinforce the way some groups of people see their opportunities restricted, while sees the other, at the same time, enlarged¹³. To resume Young’s conception of structural injustice, I will use the following account, and this is the main definition I will refer to during the course of this thesis, that is:

“Structural inequality, then, consists in the relative constraints some people encounter in their freedom and material well-being as the cumulative effect of the possibilities of their social positions, as compared with others who in their social positions have more options or easier access to benefits.”¹⁴

Susan Okin explained, for example, how women’s oppression is based on structures like the division of labour in the family, the role and expectations created by gender-prejudices, the expectations that the work of care in the family should be unpaid, the belief that domestic work should be done by women, employers which assumes that to hire a *normal* worker, the latter one should be able performate forty hours per week, the existence of gender pay gap (that is the average difference between wages of women compared to man) and so on. All this interconnected social structures happens to constrict women’s opportunities and oppress them. The concept of *oppression*, in Young’s literature, is also one of the cornerstones of her reasoning that is worth mentioning. This account will be particularly helpful to address judgments of injustice within the topic of menstruation, to discover how institutions act towards menstrual inequalities. According to Young, oppression refers to structural circumstances that constrain or immobilize a group. As we said, the notion of social group is important because group differentiation will help us to discover systemic oppression promoted by social structures and reproduced by the daily action of individuals, that often do not even realize to be agents of oppression. That is why we should recognise oppression as

¹¹ *ibid*, p. 10

¹² *ibid*

¹³ *ibid*

¹⁴ *ibid*

structural, because the inhibition of a particular group is enabled by everyday practices, behaviours, institutional attitudes, and so on¹⁵. Young explains the systemic character of oppression by claiming that this character implies that

“An oppressed group need not have a correlate oppressing group. While structural oppression in our society involves relations among groups, these relations do not generally fit the paradigm of one group consciously and intentionally keeping another down.”¹⁶

When a group is oppressed, following Young’s claims, the group itself is the subject of one or more of five conditions of oppression (Young, 1988) that are:

- Exploitation; it occurs when someone uses people’s labors to produce profit without compensating them fairly. For instance, sweatshop labour is exploited because they are not paid fairly for their work. In the chapter about tampon tax we will see how women are subject to exploitation within the issue of tampon tax.
- Marginalization; according to Young, is the most dangerous form of oppression because a whole category is excluded by actual participation in social life. It is often caused by material deprivation or by the assumption that people entitled with rights are those who are autonomous and independent. This assumption excludes citizenship from many members of society, like disabled people, old people, women, children, people with mental issues, and so on.
- Powerlessness; it occurs when “some people have their power and wealth because they profit from the labour of others”¹⁷. Being *powerless*, according to Young, means lacking the status and sense of relevance that professionals usually have in comparison with non-professionals. A particular aspect of status that privilege professionals and which produces oppression for non professionals consist in “*being respectable*”. This means that professionals will benefit from being considered

¹⁵ Young, Iris. Five Faces of Oppression. Philosophical Forum 19 (4):270. (1988)

¹⁶ *ibid*, 175

¹⁷ *ibid*, 183

someone worth listening to, according to him with authority, expertise or influence. This condition of oppression will be tackled in the chapter about epistemic injustices.

- Cultural Imperialism: involves taking dominant class culture and establishing it was the norm. In other words, the groups in power control how people interpret and communicate towards societal interactions. Young name this as “the experience of existing with a society whose dominant meanings render the particular perspectives and point of view of one's own group invisible at the same time as they stereotype one's group and mark it out as the Other”¹⁸. Cultural imperialism will be tackled again with the name of Epistemic Injustice in the third chapter of this thesis.
- Violence; members of some groups live with the fear of unprovoked and random, attacks on their persons or property. This condition of oppression happens to be suffered mostly by omosexuals and black people.

Now that we displayed a full account of Young’s conceptions of structural injustice, we can finally use it to investigate whether women, within the issue of menstrual experience, are victims of structural injustice and, if so, which of the five faces of oppression they are more likely to be subjected to.

1.2 - Institutional Attitudes Towards Menstrual Experience

In this paragraph I will show what is the role of institutions in the reinforcement of structural injustices related to menstruation. Then, I will claim that institutions have the duty to challenge and modify their attitude towards women’s menstrual experience.

Schemmel, accordingly with Young’s main claims, argues that treating people justly is not only a matter of redistribution of goods, especially in cases when the inequality is caused by biological differences. Indeed, he bases his argument on the claim that “the attitudes of social and political institutions towards people expressed in the way such institutions treat them are

¹⁸ *ibid*, 285

relevant to justice, and are not ultimately reducible to distributive considerations, [...] because there is a different normative attitude implicit in the different ways social and political institutions treat people”¹⁹. If we agree with Schemmel’s that social institutions should treat people justly (that means expressing proper concern for them, and offering equal structural protection to them against unjust treatment, and so on) we will then agree that our²⁰ institutions are not treating women justly with regards to their menstrual experience. We can justify this claim basing our reasoning on three everyday-life evidences aimed to show how, even though menstruation produces certain needs, public institutions are not tackling those needs properly. The main and most practical impairment that women suffer when they menstruate is caused by the lack of proper spaces to manage their menstrual process. In fact, schools, universities, workplaces, public transportations, and public spaces fail to provide them with the right space and equipment²¹. In 2004, the researchers Bharadwaj and Patkar, found themselves surprised by discovering that among sanitation and water professionals, there was almost complete neglect of Menstrual Hygiene Management and that, even when girls were educated about menstruation and its hygienic practice, infrastructure designed in homes and schools were not made in order to fulfill the necessities of a dignified menstrual hygiene management²². The UN Women report *Towards Gender Equality Through Sanitation Access* displays how, from Kenya to the United Kingdom, studies have found many complaints in school sanitation designs. Toilets are usually smelly and dirty, inducing disgust in children, making them afraid to use them. Some toilets are not separated by gender, are not lockable, do not have soap or toilet papers thus “girls change their pads only when desperate”²³. As a consequences, girls in such schools²⁴ could avoid going to school during their menses, both for their pain and for inability to change properly. Going back to Young’s concepts of structural inequalities, here we can see how linking girls education with menstrual management could help us find the reason why, globally, gender disparities in

¹⁹ Schemmel, Christian. “Distributive and Relational Equality.” *Politics, Philosophy & Economics* 11, no. 2 (2012), 133

²⁰ *Our*, because from Western countries to Global South countries, there is no exception that proves institutions are treating women equally with regards to their menstrual experience.

²¹ Young, Iris Marion. "Throwing like a girl: A phenomenology of feminine body compartment motility and spatiality." *Human studies* 3.1 (1980)

²² Burt, Zachary, Kara Nelson, and Isha Ray. . *Towards gender equality through sanitation access*. New York: UN WOMEN. (2016)

²³ *ibid*, 22

²⁴ We are not talking about the global south only. I am from Italy, I study in the Netherlands and I have experienced this kind of discomfort everywhere I went.

education persist in disadvantaging girls rather than boys. Paradoxically, as Young has noticed before, “dominant norms in advanced industrial societies affirm that women should have the opportunities to do anything that men do, but at the same time force women to conceal their menstruation because all the opportunities that are open to women try to conform them to the standard achievements in public life that have been set for men”²⁵. In the previous section, tackling the five faces of oppression, we have mentioned marginalization as the most dangerous form of oppression because a whole category is excluded by actual participation in social life. In the case of a lack of proper sanitation access, which excludes girls and women from their participation in public activities, we are in front of this condition of oppression. We could claim the structural and systemic aspect of this oppression, but we should not forget that institutions, if they aim to the equal participation in society and substantial freedom of every individuals, have the duty to provide girls and women with a proper sanitation access, showing women the same treatment and respect that has already been accorded to men. Another issue that is worth mentioning is that pain is not recognised by authoritative social agents who usually give evaluations on our performances (such as professors, sport judges, employers, and so on). Young, in this vein, notes that:

“The default norm of the public person as in a male body creates numerous problems for many women that public institutions on the whole fail to recognize as sources of disadvantage. The rules of menstrual etiquette require us to conceal our condition, yet we often lack access to the private spaces that would allow us to do so. As workers and students we are expected to perform at the same level when menstruating as when not, and we are compared with men, even though the capacities of some of us are impaired during these days.”²⁶

When we talked about the five faces of oppression, we mentioned cultural imperialism as the cause of “the experience of existing with a society whose dominant meanings render the particular perspectives and point of view of one's own group invisible at the same time as they stereotype one's group and mark it out as the Other”²⁷. When

²⁵ Young, Iris Marion. "Throwing like a girl: A phenomenology of feminine body comportment motility and spatiality." *Human studies* 3.1 (1980), 133

²⁶ *ibid*, 117

²⁷ *ibid*, 285

women's pain is not recognised by society and institutions, we are in front of the face of oppression of cultural imperialism. In the third chapter, along with the notion of stigma, we will address the problem of cultural imperialism by taking it from the perspective of epistemic injustice. Lastly, I would like to introduce another everyday practice that constrains women's opportunities in society, that is the systemic economic disadvantage caused by the tampon tax or simply the fact that to have access to menstrual products women needs to pay for them (with the exception of Scotland and New Zealand) having to purchase menstrual product. When social and political institutions like the economic system and the legal system of taxes produce such disadvantages, using Young's faces of oppressions, we are assisting the face of exploitation. In the next chapter I will argue that tampon tax is unjust because it discriminates and oppresses women, increasing their systemic and already existing economic disadvantage.

Chapter II - Tampon Tax as a Gender-based Discrimination Taxation

“I wrapped a sock around my underwear just to stop the bleeding, because I didn’t want to get shouted at. And I wrapped a whole tissue roll around my underwear, just to keep my underwear dry until I got home. I once Sellotaped²⁸ tissue to my underwear. I didn’t know what else to do.”²⁹

In this chapter, I will expose the reasons why tampon tax should be considered an unjust taxation by any State that wants to pursue and promote equality and pursue justice. My aim is to show that the tampon tax and, more broadly, any paid access to menstrual products are to be considered an economic disadvantage with a gender-discriminatory base that goes, indeed, against a particular group: women. I will argue that not only should the tampon tax be eliminated, but the access to sanitary menstrual products should be free for every woman and every other menstruators. This reflection will be based upon *Tampon Taxes, Discrimination, and Human Rights* by Bridget J. Crawford and Carla Spivack, an article that gives two important contributions to the study of taxation. First, it argues that the tampon tax shows how deeply rooted gender inequality is in legal and supposedly neutral structures, such as the tax system. Second, it proposes tax reforms as an essential tool in achieving gender equality and enhancing human rights. I will support Crawford’s and Spivack’s claims, with the purpose of adding new and, hopefully, stimulating perspectives to this debate.

In the first part of this chapter, I will explain in economic and legal terms what “tampon tax” means, and I will display the consequences and the effects that this kind of taxation has on women and other menstruators. After having drawn some considerations on specific and interesting cases and having compared them, I will address some of the most important and urgent reasons for which both the tampon tax and any expenses for sanitary menstrual products should be regarded as unjust. My arguments will be supported by considerations about social and distributive justice.

²⁸ Sellotaped means “to stick things together using Sellotape”, that is a transparent adhesive tape

²⁹ Abbot, Gemma, Let's make period poverty history, *The Guardian*, (2019)

2.1 - Tampon Tax - Intuitively unjust, but...

After decades of wars and persecutions, thanks to The Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10 December 1948, it was stated, for the first time in history, that everyone is entitled to human rights “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”³⁰ In other words, the recognition that discrimination is a *bad thing* was certainly not acknowledged yesterday, given that such non-discriminatory principles are the grounds upon which most contemporary democracies are based. Therefore, claiming that a gender-based taxation should not be in place in any state or institution that agrees with the moral assumption that discrimination is impermissible seems anachronistic and trivial. It is sufficient to say that in the European Court of Human Right there are several cases that recognize gender-differentiated taxes as a form of impermissible discrimination.³¹ Yet, many western and democratic countries have been ignoring injustices based on gender or poorly elaborating solutions to eradicate them. This means that, despite the fact that tampon tax may seem intuitively unjust, especially in the context of ethics of institutions and public policy, where justice and fairness play the major roles, a philosophical and political reflection on this issue should still take place. It would be particularly interesting to conduct this type of research in a way that it can work alongside with activism and feminist movements. This would enrich the spectrum of arguments used to demand tax reforms and free access to menstrual products. Likewise, I believe this topic should be addressed by looking not only at the legitimate arguments and assumptions against the tampon tax, but also at the cultural, and structural reasons why the tampon tax still exists. But before addressing the central arguments of this paper, what is a tampon tax and how does it work? A tampon tax is an umbrella term used for any menstrual products that are often subject to sale-tax and value-added tax (VAT). In this context, I will refer to tampon tax as

³⁰ UN General Assembly. "Universal Declaration of Human Rights." (1948).

³¹ Bridget J. Crawford & Carla Spivack, Tampon Taxes, Discrimination, and Human Rights, (2017), Wis. L. Rev. 491

the value-added tax applied on menstrual pads, tampons, cups and any other menstrual product.

As we noticed before, although the European Court of Human Rights condemns gender-differentiated³² taxes and European democracies base their constitutions on non-discriminatory principles, the majority of European countries are still moving too sluggishly towards the resolution of this issue. For example, in Italy, the Article 3 of the Constitution, signed 73 years ago (in 1946), explicitly states that all citizens have equal social dignity without any distinction and that it is the duty of the Italian Republic to remove social or economic obstacles which constrain the freedom and the equality of citizens, their full development and their effective participation in the political, economic and social organisation of the country.³³ Therefore, it seems odd that only in November 2018 a parliamentary group presented the first draft law to reduce VAT on menstrual products, which unfortunately has been approved only for ecological and organic pads, often inaccessible and definitely more expensive than the common ones. The Italian legislation on VAT provides a rate reduction for products considered essential, such as some food and grocery items, daily newspapers, and various therapeutic materials, to which is applied a subsidized rate of 4 percent (instead of the ordinary rate of 22 percent, applied on non-essential products). The draft law showed that the ordinary rate of 22% VAT, valid for both ordinary and luxury goods, is also applied to period products, influencing notably the economic weight that women have to burden to purchase these goods. Indeed, VAT on women's menstrual products was introduced in 1973 and, like other goods and services, it increased from 12 to 22 percent over time³⁴, while other goods and services listed in the VAT legislation carry a fixed rate of 4, 5 and 10 percent. For example, products such as collectible stamps or expensive truffles have a 10 percent taxation, goods such as bread, cheese, books and TV subscriptions are taxed at 4 percent, while, like I have said, women's hygiene

³² The European Court of Human Rights in January 2019 published a factsheet about gender equality in which it is stated that “The advancement of gender equality is today a major goal in the member States of the Council of Europe and very weighty reasons would have to be put forward before such a difference of treatment could be regarded as compatible with the Convention. In particular, references to traditions, general assumptions or prevailing social attitudes in a particular country are insufficient justification for a difference in treatment on grounds of sex.” https://www.echr.coe.int/Documents/FS_Gender_Equality_ENG.pdf

³³ Article 3 of the Italian Constitution

³⁴ Testa, G., Perché la tampon tax è un'imposta ingiusta, *Internazionale*, (2019)

products remain subject to the ordinary rate of 22 percent. In other words, being a woman is expensive.

2.2 - Tampon Tax and Pink Tax: Differences and Similarities

The fact that being a woman is in itself expensive is not something new. Let us consider the example of “From Cradle to Cane: The Cost of Being a Female Consumer”, an interesting research conducted in 2015 by the New York City Department of Consumer Affairs (DCA), that investigated gender-based pricing disparities in New York City. This research tried to determine “the frequency and extent to which female consumers face higher prices than male consumers when buying similar products”³⁵, by comparing goods like children’s and adult’s clothing, toys and accessories, personal care products, and senior and home health care products. Unsurprisingly, the results sadly confirmed the hypothesis that female consumer’s experience in the marketplace means unavoidably dealing with higher prices for *their* products compared to men’s. As the study shows, already in 1992, the New York DCA discovered that women were twice as likely to have been charged a higher price than men when buying used cars. Also, based on a survey of 80 hair salons across the five districts, it is showed that, on average, women paid 25 percent more to get the same haircuts than man and that, likewise, women paid 27 percent more for the same white basics cotton shirt laundering service³⁶. In other words, in the free market, a female consumer faces different degrees of markups *from cradle to cane*, especially when buying adult personal care products, which are the goods most likely to be subjected by gender-pricing discrepancies. The research concluded that women pay significantly more than men for similar products and that over the course of a female consumer’s lifetime, these discrepancies have a significant financial impact. DCA also claimed that products’ price differences based on gender are largely imposed on female consumers “due to the product offerings available in the market”³⁷.

³⁵ New York City Department of Consumer Affairs. Gyped by Gender: A Study of Price Bias against Women in the Marketplace, (1992), 16

³⁶ *ibid*, 16

³⁷ *ibid*,16

Nevertheless, if you are a woman you do not need to live in the Fifth Avenue to experience these gender-price discrepancies. It is enough going on the internet or to the supermarket around the corner to have evidence that, on average, similar items marketed at women are 37% more expensive than those marketed at men³⁸. Not a coincidence, this phenomenon goes by the name of “*pink tax*” because it affects products commonly targeting women (and which happen to be usually pink). The pink tax is recognised as a great impediment for gender equality and it has been brought to light in the European Parliament already in 2016 by the former MEPs Mary Honeyball and Catherine Stihler., In their parliamentary question, Honeyball and Stihler referred to the pink tax issue as a threat for gender equality and consumer protection. Furthermore, they significantly point out that women are not only penalised by this unpleasant financial burden, but also by the already existing 16% gender pay gap³⁹ and the 39% gender pensions gap, well spread across all the EU countries.

Here, even if the pink tax is not the focus of this study, I believe that it is essential to mention it, since it raises some useful concerns regarding the tampon tax. Indeed, the pink tax shows us how even the most simple things, like the price of shampoos, can tell us a story of inequalities. Such inequalities express how differently genders are treated and are caused by institutions’ neglect as well as by social and economic structures and mechanisms. Although price differentiation is an interesting matter, especially if analyzed through the lens of justice and gender equality, I will not delve deeply into this issue. I believe that the debate about whether it is just to leave pricing in the hands of a supply and demand mechanisms, when the same mechanism does not prevent gender discrimination, is crucial. However, we can imagine that such a reflection will lead to a discussion mostly about markets and preferences. Some could argue that the pink tax is not unjust because it simply responds to women’s preferences and shows that women are more willing to pay more for certain products than men. For example, it might be said that women prefer hygiene products with a more complex chemical composition and therefore the price discrepancy for some products can be justified, contending that everything about pink tax makes perfect economic sense.

³⁸Parliamentary question in the european parliament: [The problem of 'gender pricing'](#)

³⁹ gender pay gap: the difference between the amounts of money paid to women and men, often for doing the same work. cambridge online dictionary. <https://dictionary.cambridge.org/it/dizionario/inglese/gender-pay-gap>

Nonetheless, things are not always as easy as they seem: as we have witnessed in the New York City DCA study mentioned above, preferences are not unconditional. Like the research conveys, individual consumers do not have control over ingredients or textiles used in the products marketed to them and, as I have said, they must make purchasing choices based only on what is available⁴⁰. In order to hold a deeper understanding of the mechanism at stake, we need to look at how prices were historically set. In the past, women paid higher health insurance premiums (because of, for instance, the expected costs related to pregnancy), they were quoted higher prices than men when shopping for a new car, and they were more likely than men to be denied credit.⁴¹ Having said that, we should not be afraid to claim that the pink tax, which is more a social and economic phenomenon than an actual tax, reflects a general tendency of price discrimination against a specific group of people, a tendency that makes (*perhaps intentionally?*) women to pay more. Therefore, even if the pink tax seems to respond innocently to a supply-demand mechanism and to people's preferences, it actually relies on cultural, social, and institutional heritages which are difficult to digest. Among such heritages, it lies the belief that every single woman is or should be *all* less price sensitive than *every other* man, when, actually, the former are constrained in their purchasing choices before they could even become a source of information for the market.

Some could then say that women should buy products designed for men, in order to show more price sensitivity and change their behaviour as consumers, and also avoid the pink tax. However, by suggesting such a solution, we would wrongfully forget about other important concerns. Firstly, the man's body is just one type of human body, not the prototype of all the existing human bodies. The dry-cleaning example below adequately demonstrate how prices are different because, from the very beginning, women were not even included in the construction of certain products and services:

“Dry cleaners who use pressing machines, traditionally built for men's shirts, need to hand press women's shirts, a more labor-intensive, and costly, process.

⁴⁰ New York City Department of Consumer Affairs. *Gypped by Gender: A Study of Price Bias against Women in the Marketplace*, (1992), 16

⁴¹ Joint Economic Committee, *The Pink Tax*, 6

Women's often smaller and tapered clothes are typically not suited for these machines."⁴²

We should remind ourselves that historical and reiterated objectifications of women's bodies have a key role in this matter. Indeed, they have significantly interfered with the possibility for women to refrain from buying products believed to be made for their bodies, but which are actually not. Furthermore, the psychological threat that lies under buying products designed "for men" when you are a woman could make the latter feel the uneasiness of buying something that is not made for her, but rather for someone else, which also undermines her sense of belonging to a specific social group or the perception of her identity.

I believe that even though the pink tax is a social and economic phenomenon, whereas the tampon tax is an actual tax, we should consider the two things together as part of the same structural problem. The tampon tax, however, raises even more serious and crucial concerns. Whereas the pink tax just *happens to exist* because of how our society is structured, how our economic system is conceived, and how biases and stereotypes are still well grounded in our cultures, the tampon tax displays how all of these seemingly accidental elements find their legitimation in the law itself. Indeed, when we deal with tampon tax, the issue becomes even more controversial. Despite such considerations, some might still claim that, in order to avoid the pink tax, women could choose less expensive products amongst the ones designed for men. However, in regard to the tampon tax, the same argument will easily fail since such a tax cannot be avoided. The tampon tax is a tax on menstrual products, which is to say, it is, in every respect, a tax on something that women cannot decide whether to buy or not, as they cannot decide whether to menstruate or not. Perpetuating a tampon tax simply means we are not considering menstrual products as necessities.

2.3 - A Self-evident truth: Menstrual Products are Necessities

⁴² Ngabirano, A, ['Pink Tax' forces women to pay more than men](#), Usa Today (2017)

This section is shorter on purpose. In the second section of the first chapter, when I analyzed Young's five faces of oppression applied to menstrual experience, we already have seen some of the consequences of denying access to sanitation and menstrual products constrain women in their opportunities and in their equal participation in society. The philosophical and intuitive concept of *human dignity*, the *capability approach* (which is an approach aimed to achieve substantial freedom for all), the definition of necessity and basic needs, the kantian notion that we should be treated as ends and not as means, all these would perfectly serve the purpose to enrich the philosophical background of the claim that 'menstrual products are necessities'. However, such a theoretical background would not justify this claim because, no matter how poorly it has been internalised and acknowledged by institutions, the fact that women need menstrual products happens to be self-evident. No matter the perspective from which we look at the claim, it will always be the case: as long as there are people who menstruate, menstrual products are necessities. Not providing women with free access to those products means that (a) women who cannot afford those products will not be able to live a dignified life, and that (b) women who have to pay for those products will be treated as means (i.e. the means to profit). These two conditions will be enough to undermine, if not deny, women's equal participation in society, that should instead be pursued by any democratic and representative institutions. This is why not only should the tampon tax be eliminated, but the access to sanitary menstrual products should be free for every woman and every other menstruators.

2.4 - Distributive *Injustice*

In this section, I will claim that the tampon tax cannot be justified, because an alleged justification would fail to consider menstrual products as necessities, as previously argued, but also in regard to distributive justice. To do so, I will retrace some aspects of Murphy's and Nagel's theory about taxes and social justice and I will support Jorene Ooi's claims that the tampon tax is not efficient from a distributive justice point of view. Hence, it needs to be repealed.

According to the Stanford Encyclopedia of Philosophy, distributive justice concerns principles supposed to “provide moral guidance for the political processes and structures that affect the distribution of economic benefits and burdens in society”⁴³. If we live in countries where government's action is believed to be necessary to advance social justice, the same governments are likely to be using the tax system to reduce socio-economic inequalities among individuals. Indeed, one of the tax system function is distribution or, in other words, “to determine how the social product is shared out among individuals, both in the form of private property and in the form of publicly provided benefits”⁴⁴. Here, I will discuss the tampon tax considering Murphy's and Nagel's assumption that tax policy should be evaluated in light of a broader concern for social justice in the society as a whole.⁴⁵ To evaluate the fairness of a certain tax system, we should first understand whether, eventually, the outcomes of the tax system treat groups of people differently. In the case of the tampon tax, like Ooi shows, we deal with a tax that burdens uniquely women, while it redistributes the wealth among both men and women: this should not be considered fair nor efficient according to distributive justice principles, no matter what the metric or pattern of distributive justice we are using. Ooi's argument uses Murphy's and Nagel's view that fairness is about after-tax results, since people start from different points in life, live in different environments,

⁴³ [Distributive Justice \(Stanford Encyclopedia of Philosophy\)](#)

⁴⁴ Murphy, L., Nagel, T., Taxes, Redistribution, and Public Provision. *Philosophy & Public Affairs*, 30, (2001), 2.

⁴⁵ *ibid*, 1

hold different types of privileges or disadvantages, and have different innate characteristics. All of this results in more or less advantageous pre-tax outcomes.⁴⁶

To clarify why it is unjust to redistribute the outcomes of taxes on menstrual products among men and women, Ooi uses the example of two taxpayers, Amy and Ben, who earn the same amounts of money and are “equally well off in the no-tax world”⁴⁷. Intuitively, when there is a tax on period products, Amy, who I assume here to be a woman and a menstruator, would pay more in taxes than Ben, because she has no choice but to buy those products. A tax on menstrual products, then, imposes a higher burden on Amy just because she needs them. Ooi reflects also on the fact that, although it is tempting to argue that exemptions for period products should be done because there are already existing exemptions within the sales tax system for other goods, for example viagra, this could be a dangerous line of reasoning because the political system is often “incapable of distinguishing legitimate arguments from illegitimate ones and often succumbs to the political clout of powerful pleaders.”⁴⁸ To avoid that, we should not appeal to other goods VAT exemptions to argue that period products should have it too; instead, we should go back to the necessity argument, saying that if women must buy menstrual hygiene products to maintain a productive and dignified life, “an exemption for such products would make the tax base a more accurate measurement of well-being.”⁴⁹

Wellbeing is an essential concept in these debates, and it has often different types of definitions and philosophical background. Here, by wellbeing I mean people’s quality of life or, in other words, the level of people’s substantial freedom to *function* as human beings in respect of their dignity. I use “wellbeing” as a metric of justice since it refers to the general idea of quality of life. For the sake of my argument, I suggest the reader to replace the word “wellbeing” with the good she finds more morally significant from a justice point of view. For example, instead of wellbeing, we could use another metric of justice such as welfare, resources, primary goods or capabilities. The argument still remains valid: repealing the tampon tax will not improve or increase women’s initial wellbeing/welfare/resources/capabilities, but it will simply restore it. As Ooi suggests, this is

⁴⁶ Ooi, J. *Bleeding Women Dry: Tampon Taxes and Menstrual Inequity*, (2018), 134

⁴⁷ *ibid*, 134

⁴⁸ *ibid*

⁴⁹ *ibid*

often a point discussed in the healthcare context: for example, certain necessities like prescription medication and medical treatment “return the sick to health rather than increasing their well-being”⁵⁰. Likewise, women spending money on period products do not increase their level of initial wellbeing. Instead, they rebound their usual level of it. Differently, spending money on a fancy dress or makeup makes a person better off than someone else with the same level of wellbeing but who did not spend the same money on that commodity. Again, we need to distinguish between choices and necessities.

The point is that buying something that is necessary to have, like menstrual products, does not increase a person's wellbeing in opposition with someone else's wellbeing - someone that does not need to buy those products to live a dignified and functional life. Amy and Ben do not have the same opportunity to live a dignified life without menstrual products. Thus, imposing a tampon tax means that we are not recognizing the different level of opportunity between the two taxpayers and, for this reason, imposing a tampon tax does not serve the redistributive purpose of taxes, that is to lower inequalities among individuals. Some could argue that the same reasoning could be applied on to something that everybody already needs, like toilet paper, so that we do not promote a tax exemption on something needed by just a group of people. The problem is exactly that we cannot exempt taxes on products that *everybody* need before having assured that those necessities needed by disadvantaged groups are met, especially if that necessity is risen by people's immutable states, like gender and sex. This makes the case of tampon tax a case of tax discrimination and inefficiency. It is discriminatory, because it burdens some individuals not because of their choices but because of their immutable state (women, menstruators). It is inefficient, because it burdens people, women and menstruators, that have no choice but to be burdened by it, while it redistributes the wealth of women and non-menstruators. Redistributing the wealth among women and men is unjust because the latter will be better-off by the after-tax results, so by the wealth received in the form of public provision that was previously taken from certain people, in this case women, because of their immutable status. This means that tampon tax is a tax on women and that, for this same reason, it does not fulfill tax-system redistributive purposes. If we agree with Murphy and Nagel that fairness of tax systems should be evaluated by the after-tax results, we would also agree that tampon tax is not only discriminating in its nature

⁵⁰ *ibid*

by being a tax on women, but also inefficient from the point of view of social justice expected in after-tax results, thus is not just and it needs to be repealed.

Chapter III - Epistemic Injustice and Menstrual Experience

In this chapter I will investigate women's experience as menstruators through the lens of epistemic injustice. More specifically, I will introduce Miranda Fricker's account of testimonial and hermeneutical injustice to question whether women and, more broadly, menstruators are vulnerable to those types of injustices. Similarly to what Carel and Kidd did in *Epistemic Injustice and Illness*, whose aim was to provide an epistemological research of the experience of illness using Fricker's concepts, I will retrace women's experience of menstruation identifying those practices and structures that perpetrate their disadvantages. By tackling the reality of stigma and taboos that surrounds our topic, I will claim that women are victims of testimonial injustice, because they are accorded with a lower degree of credibility, compared to non-menstruators, especially when they express their physical pain. Consequently, I will claim that these condition obstacle women in participating in epistemic activities such as conveying knowledge to others and making sense of their own menstrual experience; therefore, this condition contribute in perpetrating structural gender-based injustice.

3.1- From Menstrual Experience to Epistemic Consideration

The majority of the literature reporting attitudes and beliefs about menstrual experience shows that both women and men hold mostly negative perceptions towards menstruation. Menstruations are seen as disabling, embarrassing, disgusting or shameful, as a physical and psychological burden that can affect women's performances and that, consequently, can lead to a reduction of their opportunities in society⁵¹. Several researchers argued that groundless and wrong beliefs about period are a significant source of discrimination against women and a particular form of social control that could further affect women's attitudes towards their own experience as menstruators.⁵² The stigmatized status of menstruation and the taboos that surround this *biopsychosocial*⁵³ process - a normal process of physiology, that both affects and is affected by behavior⁵⁴- deeply influence women's attitudes toward their experience and, therefore, their functionings⁵⁵. Stigma and taboos, obstruct the substantial conception of menstrual experience, which consequently remains not completely understood from both men and women.

Nevertheless, there are aspects about menstrual experience that we cannot disguise anymore under the shadow of stigma and taboo. For instance, it is undeniable that every month millions of women and girls around the world face a troubled cycle of pain, shame, discomfort, anxiety, and isolation, due to what we already mentioned in Chapter 1: economic disadvantage, period poverty, lack of access to menstrual products and of appropriate and hygienic infrastructure - including soap and water and accessible toilet -, absence of facilities, the fear to disclose menstrual *marks*⁵⁶ and, just as important, the lack of knowledge about this

⁵¹ van Gesselleen, M. . Attitudes and beliefs of the experience of menstruation in female students at the University of the Western Cape (A thesis submitted for the M.A Psychology (Research) Degree in the Department of Psychology, University of the Western Cape). (2013)

⁵² Chrisler, J.C., & Caplan, P. . The strange case of Dr. Jekyll and Ms. Hyde: How PMS became a cultural phenomenon and a psychiatric disorder. *Annual Review of Sex Research*, 13,(2002) 274–306.

⁵³ Chrisler, J. C. . Teaching Taboo Topics: Menstruation, Menopause, and the Psychology of Women. *Psychology of Women Quarterly* (2013)

⁵⁴ *ibid*

⁵⁵ Johnston-Robledo I. & Stubbs, M.. Positioning Periods: Menstruation in Social Context: An Introduction to a Special Issue (2012)

⁵⁶ Wilson, E. et al, Dismantling menstrual taboos to overcome gender inequality, *The Lancet Child & Adolescent Health*, Volume 2, Issue 8, e17

topic. Hence, stigma and taboos make the topic of menstruation barely discussed. As a result, all the disadvantages mentioned above are finally enhanced.

Ignorance and mystery surrounding this topic has been basically normalized in our societies and cultures, despite the fact that for most women the problems related with managing their menstrual pain persist. In western society, a large number of adult women do not consult health professionals to discuss their irregular bleeding or pathological periods because too embarrassed to talk about it⁵⁷ and, when they do, their pain is not yet considered with the proper attention and not accorded with the right credibility. Thus, to tackle the problem of menstruation, institutions should not only provide women with the right infrastructure (which is to say, with access to menstrual products and with a more specific medical research about women's physical and psychological pain), but they should also and most importantly engage in a serious discussion about knowledge, in order to dismantle prejudices, to understand the real footprint of taboos and to display the causes of their existences and permanence in the contemporary culture and institutions themselves.

To do so, someone could argue that, in order to hold a complete account of what the experience of menstruation really is, it would be enough to combine professional knowledge with experiential knowledge. In our specific case, the former refers to the knowledge of researchers and medical experts. The latter, that is the knowledge of certain people based on their personal experience within a phenomenon, refers to women and menstruators. Indeed, we cannot expect to acknowledge and understand someone's experience through professional knowledge alone. Experiential knowledge is essential since it introduces factual and important information necessary to correct those mistakes, omissions, biases and prejudices which might result from the information acquired through professional knowledge alone.⁵⁸

It is important to note that we cannot relate on experiential knowledge if we do not question whether a person's experiential knowledge is actually heard and understood by institutions, society and the person herself or, on the contrary, if it is ignored, preceded by prejudices, not

⁵⁷ *ibid*

⁵⁸ The section of testimonial injustice will justify this claim taking as an example the misjudgment of women's pain in medical context

well formulated for the lack of knowledge and concepts, and not considered as relevant as it should be. In other words, we should ask if the speaker - who is giving information about her experience or trying to make sense of it - is vulnerable to what Miranda Fricker called “epistemic injustice”, that is a wrong done to someone specifically in their capacity as a knower⁵⁹. Epistemology is, in fact, the science of knowledge and, as we will see in the next section, it should be ethically challenged and valued to discover why certain groups are impaired in their epistemic activities. In the next session I will delve into this concept and explain why it is relevant to embrace epistemological considerations in the field of gender equality and, specifically, with regards to menstruation and women’s menstrual experience.

3.2 - Reflection on Miranda Fricker’s Account of Epistemic Injustice and Social Power: The importance of conducting an ethical evaluation of our epistemic practices

In this section I will display why addressing an ethical evaluation of our epistemic activities could be of central importance in order to recognise and tackle structural injustices. In the first chapter, when we discussed the importance of addressing injustice on a structural level I supported Young's claim that the recognition of the existence of social groups is the only starting point to discover what kind of inequalities those groups are especially subjected to. We acknowledge that, in case of structural injustices, some of those social groups can be victims of five faces of oppression, namely: exploitation, marginalization, powerlessness, cultural imperialism and violence. We also claimed that structural injustices are reproduced by a large number of people that act within accepted rules, norms and practices so that responsibility for the harm done to those groups seem *subjectless*. Here, we will see how the face of oppression we named as cultural imperialism, that occurs when the culture of the ruling class is established as it was the norm, could take the form of epistemic injustice and its derivatives.

⁵⁹ Fricker, Miranda. *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford ; New York: Oxford University Press. (2007)

In this chapter, I aim to analyse whether, within the topic of menstruation, we could again discover those patterns of inequalities caused by norms, rules and accepted and collective practices, such as our everyday life epistemic activities of giving information to others and interpreting our own experience. We have already observed how tampon tax has an important role in perpetrating women's economic disadvantages, that is added to other gender inequalities and situations of economic impairments such as gender pay gap, the unpaid *work of care*, and similar issues. So why do we want to tackle epistemic consideration within the topic of menstruations? It may seem more logical to argue in favour of other practical and impactful remedies for those injustices, demanding an improvement of the medical research on period, or, again, demanding the abolishment of the tampon tax.

However, what we have witnessed in the previous section, that was a little revision of the literature about menstrual experience, tells us also another story: focusing only on the economic and sanitary disadvantages would not be enough. We have seen that the epistemic activity we practice with regards to menstruation is loaded with taboos, stigma and shame. That is the reason why I will argue that it is necessary to track those patterns of inequalities that are generated exactly from our epistemic activity with regards to menstrual experience, using both Fricker's concept of testimonial and hermeneutical injustice.

In her main work *The Power and The Ethics of Knowing*, Frickers claims that western epistemology, with the exception of feminist epistemology, has been impoverished by the lack of a theoretical framework that valued politically and ethically our epistemic behaviours⁶⁰. It is worth noting that Frickers idea of epistemic justice is not a distributive idea of justice: even if the idea of social justice often recalls the idea of fair distribution of goods and resources, Fricker's epistemic justice does not aim to achieve a fair distribution of epistemic goods, like education or information. Rather, her project is to identify forms of epistemic injustice that concern the wrongs done to someone specifically in their capacity as a knower⁶¹.

⁶⁰ *ibid*

⁶¹ *ibid*

Fricker identifies two types of epistemic injustice, namely *testimonial* and *hermeneutical injustice*. Testimonial injustice occurs when, in a testimonial exchange - that is an exchange of information - prejudices that the hearer has on the speaker, gives to the speaker a deflated level of credibility that it would normally have had without the negative prejudice in place. Whereas, hermeneutical injustice occurs when a gap in hermeneutical resources puts someone at an unfair disadvantage in making sense of her social experience⁶². We are in front of a case of testimonial injustice when, for example, a black man is not believed by the police because he is black and despite the presence of evidence in his favour. While a case of hermeneutical injustice could happen when someone suffer sexual harassment in a culture or time where there is a lack of this concept. We can see that the first injustice is caused by prejudice, whether the second is caused by the lack of specific hermeneutical resources, that are concepts and knowledge about someone's experience. Therefore, according to Fricker we should wonder how our reasoning, as much as it might seem neutral, is influenced by social power, since both the lack of resources and the presence of negative stereotypes could be a form of social control over non-dominant groups.

To delve into the notion of social power Fricker uses the intuitive idea that social power is the capacity that we have as social agents to influence how things go in the social world. This capacity is in place not only when it influences the world actively, but also when the capacity to influence the social world persists even if it is not actively realized. This means that to be influenced by social power, we do not necessarily need the action of particular social agents (individuals, groups, institutions) that activates their power willingly or driven by some sort of motivation: social power can be agential when it is exercised by an agent (for example, the power of a police officer to arrest us is an agential power), or it can be structural, where there is not a particular agent exercising it, but a given social group is influenced from it anyway.

When we address the issue of menstrual stigma and taboos we are interested in tracking the latter of this power, because even if taboos and stigma are not activated willingly or from specific subject they have the power to influence and control certain given groups, such as women and menstruators, modifying their behaviour and attitudes toward their experience. Structural operations of power, such as taboos and stigma, seem to be *subjectless* because

⁶² *ibid*

they actually depend upon the context of the social world in which they are applied and, consequently, upon institutions, shared meanings, collective expectations and culture. To understand even better why menstrual taboos and stigma are a matter of structural social power rather than agential, we should reflect on Wartenberg's account of social power. According to Wartenberg, holding social power means having control over certain things that someone might either need or desire⁶³. He adds to his reasoning that "any given power relationship will also have more significant, direct dependence on co-ordination with the actions of some social others in particular."⁶⁴ To understand what he means by "co-ordination with social others" let us consider the example he made of the power that a professor has over her students in grading their exams:

"This power is of course broadly dependent upon the whole social context of university institutions and systems of grading, and so on. But it is also more directly dependent upon co-ordination with the actions of a narrow class of social others: for instance, the potential employers who take notice of grades. Without this co-ordination with the actions of a specific group of other social agents, the actions of the teacher would have no influence upon the behaviour of the students, for her gradings would have no bearing on their prospects. Co-ordination of that more specific kind constitutes the requisite social 'alignment' on which any given power relation directly depends. Or rather, the social alignment is partly constitutive of the power relation."

Nonetheless, saying that "social power is control over something that someone can be interested in or desire" will not provide us with a complete understanding of structural social power, since it fails to recognise that even in cases where there is no interest or desire at stake, a given social group can still be influenced and controlled. Let us go back to the issue about taboo we sketched in the first section of this chapter and let us assume (I will justify this statement in the section about hermeneutical injustice) that girls' behaviour is negatively influenced by how teachers, educators and parents - or any other educational figure, that can also include local religious educators - convey their knowledge about menstruations to the

⁶³ Wartenberg, T. *The Situated Conception of Social Power*. *Social Theory and Practice*, (1988), 89

⁶⁴ Fricker, Miranda. *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford ; New York: Oxford University Press. (2007), 12

girls. The educational figure that avoids the topic of menstruation, negatively influences the attitude the girl will have towards their own experience, without essentially having some control over things they are interested in. Menstrual taboo will, indeed, jeopardize the attitude that women have toward this topic even if educators were not intentionally using menstrual taboo as an agential social power to influence girls' behaviours, unlike the teacher in Wartenberg's example, that was aware of her social power derived by the action of grading.

This is why we need a definition of social power that covers purely structural operation of power (Fricker, 2007). Frickers derives the idea from Wartenberg that social power puts social control into practice, in a way that, when we have agential relations of power, there is an agent that controls another social agent. On the contrary, in structural operations of power, power has no subject, but it always has an object whose actions are being controlled⁶⁵. Hence, in the case of menstrual taboo, teachers are not the subject that are trying to control the girls' consequent reactions (such as not going to school because they feel ashamed about their period). The problem is structural because it concerns the collective and shared image of menstruations as shameful or dirty, preserving a given social order in which women should hide this aspect of theirs and avoid the topic. This is why we should use Fricker's account of social power that is "a practically socially situated capacity to control others' actions, where this capacity may be exercised (actively or passively) by particular social agents, or alternatively, it may operate purely structurally"⁶⁶ and wonder "who and what it is been controlled by whom and why"⁶⁷. This will help to better understand how our epistemic activities are influenced by the social power at stake. As we have said, a negative stereotype causes a hearer to give a deflated credibility level to the speaker words, with the consequences that the speaker is impaired in her acting as a testifier⁶⁸. Indeed, the influence of the negative prejudice attached to someone's social identity, that from now on we will call identity prejudice as Fricker did, is a form of social power and social control because one party - the party that holds epistemic authority - prevents the other in conveying their knowledge.

⁶⁵ *ibid*

⁶⁶ *ibid*, 14

⁶⁷ *ibid*, 14

⁶⁸ Kidd J., Carel, H., "Epistemic injustice and illness." *Journal of applied philosophy* 34.2 (2017)

3.3 -Testimonial Injustice and Stigma

In this section, I will argue that women are victims of testimonial injustice within their experience as menstruator and that menstrual stigma is one of the causes of women's credibility deficit. In particular, I will argue that women, due to their condition of menstruators, are wronged in their capacity as knowers because they are likely to be judged for the emotional and psychological attributes that menstrual stigma has attached to the menstrual experience and, as a consequence, to women.

Usually Frickers focuses on cases of racial and sexual prejudices to show that speakers' testimony are accorded with a lower degree of credibility because of their identity (that is being black, or being a woman, etc.). Let us consider the central case of testimonial injustice displayed by Frickers in which there is an innocent black man who is not believed by either the police or the judges, because he is black. It is not difficult to picture and consider plausible that a black man is accorded with a deflated level of credibility due to the negative prejudices attached to his identity. Here, for a matter of space and focus, it is not in my interest to justify whether it is true or not that women suffer a credibility deficit because of the negative stereotypes attached to their identity as women. I will just appeal to the reader's intuitive understanding of everyday social gender dynamics which constantly show us how non-dominant and vulnerable groups suffer from a lower level of credibility, rather than the dominant groups that, on the other hand, experience a credibility excess. Hence, my aim is to show why the epistemic practices related to menstruations can enforce a mechanism of epistemic injustices against women that is already in place. Here, as Carell and Kidd did in *Epistemic Injustice and Illness* by applying Fricker's account of testimonial injustice to ill people and their experience, I will identify as stigma the cause of those stereotypes, structures, practises that generate testimonial injustice specifically within this experience.

Carell and Kidd illustrated how experiencing illness often leads to incapacitation, anxiety and insecurity that could trigger negative stereotypes on the ill person⁶⁹. Even if menstruation is not an illness, because it is an intrinsic part of being a woman and a biological event,

⁶⁹ Kidd J., Carell, H., "Epistemic injustice and illness." *Journal of applied philosophy* 34.2 (2017)

menstrual experience leads to those incapacitation, anxiety and insecurity as if period was an actual disease. This happens because, in both cases, illness and menstruation have been attached with a similar stigma. The common stereotypes of ill persons portray them as cognitive incapacitated, disabled, socially vulnerable, fragile and with bodily and reasoning deficiency⁷⁰ which consequently enforced the idea that illness concern cognitive and moral failure. As observed by Arthur Frank, “the power of stigma has fed on seeing the body’s condition as an expression of morality”⁷¹ such that, as Carel and Kidd added, being ill is a mark of social, moral and epistemic failure.

The power of stigma works both on ill persons and menstruators because it displays those social groups in a way that their body condition becomes their entire identity. We can understand - but not justify - that the consideration of the ill person as a cognitive and morally impaired participant in societal contexts has its roots in the philosophical western idea that *normal* persons are independent from the others, rational and autonomous. This idea, according to Carel and Kidd, tends to locate the epistemic authority in people who are healthy, with the consequence that our conceptions of a fair society is designed with an idealised image of the moral agent. This conception is, indeed, culpable to neglect vulnerability as a fundamental part of our experience as human beings.⁷²

However, since menstruation is a normal and regular event in every healthy woman during their menstrual age⁷³, we should wonder where the menstrual stigma comes from and why it is still so entrenched in our lives and cultures. In 2011, Johnston-Robledo and Chrisler gave a really important contribution to the study of stigma and its correlation with women's attitude towards their menstrual experience. They used Goffman’s category of stigma to explain how menstrual blood is seen as an *abomination of the body* and how blood leaks can blemish one’s character⁷⁴, consequently reinforcing women’s lower status in relation to men⁷⁵.

⁷⁰ *ibid*

⁷¹ as quoted in Kidd, Ian James, and Havi Carel. "Epistemic injustice and illness." *Journal of applied philosophy* 34.2 (2017)

⁷² Nussbaum, Martha C. *Frontiers of justice: Disability, nationality, species membership*. Harvard University Press, 2009.

⁷³ *The Lancet Child & Adolescent Health*, Normalising menstruation, empowering girls, Volume 2, Issue 6, 379, (2018)

⁷⁴ Johnston-Robledo, Ingrid, and Joan C. Chrisler. ‘The Menstrual Mark: Menstruation as Social Stigma’. (2013)

⁷⁵ *ibid*

Crawford and Spivack research on the cultural disinterest and confusion on menstruation has shown that the source of social anxiety attending the menstrual cycle originates from the disturbing idea that an adult could have bodily emissions which she cannot control⁷⁶.

The possibility of having uncontrolled bodily emissions is, indeed, disturbing especially for our western society, where the issue of controlling natural functions, such as urination, defecation, sneezing, coughing has played a major role in the construction of our modern European culture: there is a scholarly consensus that between 1500 and 1800 there was a significant change in the cultural understanding of the body and its functions, such that the implementation of new standards, like controlling bodily functions, was used from the upper classes to differentiate themselves from their social subordinates and better control them⁷⁷. Quoting the two authors, “in this new hierarchy of bodily restraint, women occupied a lower rung than man”⁷⁸ and, because of their *bodily weaknesses*, women become understood as lacking control over their own body, that was liable to produce all sorts of fluids: breast milk, menstrual blood, blood after *losing*⁷⁹ virginity, tears, urine and vaginal discharge.

It is interesting to notice that even the emissions that are controllable, like urine, during the course of modern history have started to be perceived as shameful and out of control only in women’s body; Crawford and Spivack mention the shame of Olivia in Shakespeare's *Twelfth Night*, in which a male character insists to have seen Olivia making “her great Ps.”⁸⁰ As long as I agree with Crawford and Spivack, surely Shakespeare’s characters are not the only one to blame. Already in Jewish and Christian tradition women and their fluids were negatively judged. According to the Bible, a woman is considered unclean during the seven days from the beginning of her menstrual cycle⁸¹ and anyone who touches her becomes impure until the night comes⁸². In the Leviticus it is said that anyone who touches her bed or anything on

⁷⁶ Crawford, Bridget J., and Carla Spivack. "Tampon Taxes, Discrimination and Human Rights." *Discrimination and Human Rights* (2017)

⁷⁷ *ibid*

⁷⁸ *ibid*, 510

⁷⁹ The word “loss” has a negative connotation and reminds of something we have been deprived of. The experience of having sex for the first time should then not be described as losing something, that implicitly refers to pureness and innocence.

⁸⁰ as quoted in Crawford, Bridget J., and Carla Spivack. "Tampon Taxes, Discrimination and Human Rights." *Discrimination and Human Rights* (2017), 510

⁸¹ Leviticus, 15,19

⁸² *ibidem*

which she is sitting during the seven days must wash his clothes and wash himself immediately⁸³. On the other hand, also the christian image of the Holy Mary as pure, immaculate and perpetually virgin has enhanced the standard of purity and cleanliness that women should be aimed at. Undoubtedly, also the XIV century italian tradition of poetry of the *Dolce Stil Novo* displays the ideal of women's pureness that denied women's physicality and materiality. With *Dolce Stil Novo* a complete new concept of woman is affirmed; they started to be conceived as angels which function was to direct the soul of the man towards his sublimation. The angelic woman of the poems, which is a real person because she is identified with a proper name, is the object of a completely immaterial love. Celebrating her is an act of contemplation of purity, that of course developed an idea of women as a crystallized and, obviously, never achievable one. This imaginary contributed to build a fertile ground floor for menstrual taboo, that simultaneously with stigma, enhanced the negative attitudes towards menstrual blood and vaginal fluids. Blood, especially, gained much more importance with the rise of early modern science, that began to conceive bodily fluids as not all one substance⁸⁴.

In the literature, still, the difference between man and women's blood was control: Crawford and Spivack, through Gail Kern Paster reflection, explained how the main difference in literature was that men blood is voluntary (they bleed because they choose to go to war, to be heroes, to commit suicide) while women bleed without having a choice. This lack of control makes women's fluid an indicator of weakness and general incapacitation. Therefore, the inability to spot bleeding puts women in a lower social position with respect to men, because it reminds us of the idea that lacking control over physical condition has to do with lacking control over mental conditions as well. According to Young, indeed, menstruation marks girls and women as different from the privileged and normative male body so that the stigma attached to it causes women to be physically and mentally disordered and marks them as disabled, ill, unfeminine, out of control and crazy⁸⁵.

⁸³ Leviticus, 20-23

⁸⁴ Crawford, Bridget J., and Carla Spivack. "Tampon Taxes, Discrimination and Human Rights." *Discrimination and Human Rights* (2017)

⁸⁵ Young, Iris Marion. . *On Female Body Experience: 'Throwing like a Girl' and Other Essays*. Studies in Feminist Philosophy. New York: Oxford University Press.(2005)

Some scholars have argued that menstruation and other reproductive functions serve as reminders of the mortal nature of humans and women's proximity to nature⁸⁶ enforcing the idea of women as irrational and illogical. It is precisely for this reason that, in popular culture, images of premenstrual women as out-of-control and likely at any moment to be violent or verbally abusive reinforce the ancient belief that menstruation constitutes a danger⁸⁷. Menstrual cycle, threatening and stigmatised on its own, is in fact connected to another contemporary threat, that is the out-of-control premenstrual women⁸⁸.

Until the early eighties, premenstrual syndrome (PMS) was a little known phenomenon, but after a trial for a murder in which two English women received lesser convictions because of their PMS, the media became particularly interested in this event⁸⁹. The narrative of PMS developed after the trial led to the current belief that women are ill and illogical for at least several days prior to their menses. The role of press and books was significant: press in the eighties and nineties referred to PMS as a menstrual monster that "turns women into Jekyll and Hyde"⁹⁰, whether self-help books portrayed the syndrome as "the things that take over women"⁹¹ and that "can raise its ugly head and devour family and friends with uncontrolled words, moods, or action"⁹². So, even if PMS is not technically part of the menses, it seems to be threatening as much as the stigmatised blood we discussed before. Indeed, the threat of the premenstrual woman has merged into the stereotype of an irrational and crazy person. Christel, in his research about the threats of menstrual cycle, writes:

"If you think that I am exaggerating the menstrual cycle as threatening, just search 'Hillary Clinton and PMS' online and see how many hits you get. Or consider what pundit G. Gordon Liddy said on his radio show about the Supreme Court nominee Sonia Sotomayor: 'Let's hope that the key conferences aren't when she's menstruating or something, or just before she's

⁸⁶Johnston-Robledo, I., Chrisler, J.C. The Menstrual Mark: Menstruation as Social Stigma. *Sex Roles* 68, 9–18 (2013)

⁸⁷ *ibid*

⁸⁸ Chrisler, Joan C. . 'Leaks, Lumps, and Lines: Stigma and Women's Bodies'. *Psychology of Women Quarterly* 35 (2): 202–14.(2011)

⁸⁹ *ibid*

⁹⁰ *ibid*, 3

⁹¹ *ibid*, 3

⁹² *ibid*

going to menstruate. That would really be bad. Lord knows what we would get then!'. Of course, neither Clinton nor Sotomayor are likely to continue to menstruate, but the threat of a woman in a position of power sometimes seems to cause emotional reactions that defy logic."⁹³

Thus, menstrual stigma and the related image that women are emotionally and cognitively dominated by the menstrual cycle attributes women with a deflated level of credibility, not only because they are women and, thus, are already occupying a lower social position in comparison with men, but and primarily because of their identity as menstruators. As we have said, concern of testimonial injustice arises when we accord someone with a low degree of epistemic credibility, lower than the level of credibility that this someone would have had without a negative prejudice in place and attached by the hearer on the speaker's social identity. In the same way, when a woman is not believed or when she is considered crazy when conveying her knowledge, because of the conviction she is emotionally dominated by menstruations and other related issues, such as PMS, we are in front of a case of testimonial injustice, in which the subject is wronged as a giver of knowledge and in her capacity as a knower. In the case of menstruations, as we have seen with the Clinton example above, a small credibility deflation is enough to entail that the speaker's word should be rejected⁹⁴ (Fricker, 2017). In other words, women and menstruators are then victims of testimonial injustice because they are believed to have no epistemic authority because of the stigmas and wrong beliefs attached to their bodily functions and consequent mental condition.

In our case, the identity prejudice produced by menstrual stigma lowers the speaker credibility in this measure: women and menstruators that experience the stigma suffer a loss of credibility authority especially in relations to other epistemic dominant groups who might enjoy a credibility excess, such as non-menstruators and men. Consequently, menstruators and women will gradually lose their epistemic confidence since they will get used to seeing other people constantly deflating their credibility when they want to convey their knowledge

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⁹³ *ibid*, 3

⁹⁴ Fricker, Miranda. *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford ; New York: Oxford University Press. (2007)

⁹⁵ Kidd J., Carel, H., "Epistemic injustice and illness." *Journal of applied philosophy* 34.2 (2017)

The solution to this so cultural and epistemic problem is not easy, but it remains urgent. To prevent women from stigma, we should not make the mistake of denying the aspects of menstrual experience that shows an actual connection between menstruation and psyche, menstruation and emotions, menstruation and physical obstacles (such as pain, blood management, discomfort), because denying it would mean to discard and obscure menstrual reality. However, there is an urgency to consider menstruation properly and normalizing it by claiming that menstruation is a human experience in all respects and by tackling the most significant elements of this experience without, however, stigmatizing it through prejudices born out of ignorance and nestled on the common inertia that prevents us to challenge our traditional epistemic practices. We should never forget that a woman's body is a fully-fledged body and we should stop seeing it as a subordinate body to the normative and dominant body of the men's. We must therefore be able to revolutionize the conception of the woman's body and also that of man through a deep and challenging reflection about our everyday epistemic practices.

3.4 - Case of Testimonial Injustice: The Menstrual Invisible Pain

We have said that women are victims of testimonial injustice when their identity-prejudice causes a hearer to give a deflated level of credibility to women's words. In this section, I would like to present a case of testimonial injustice that women suffer when it is in place a common disbelief about their menstrual pain. I aim to show how the latter is systematically underestimated by medical professionals and by other social agents.

In the research *Telling, Hearing, and Believing: A Critical Analysis of Narrative Bioethics*, Saulnier explains how modern stereotypical narratives around women and pain have persisted insidiously into modern medicine, in which women's pain is systematically underestimated by professionals, especially in comparison to men. The issue of not believing women's pain has been largely discussed by many scholars, but Saulnier presents an accurate collection of

studies that is worth to mention and that proves how many women of different ages and with different health issues have been suffering a deficit of credibility in situations where they expressed their pain. For example, Saulnier mentions a 1996 study which showed how men and women with chest pain, similar symptoms and similar exam results received different treatment, with fewer women obtaining electrocardiograms and monitoring⁹⁶.

Another study considered by Saulnier and conducted by Hoffman and Tarzian proves that after a postoperative appendectomy men received more narcotic analgesics and painkillers than females. Furthermore, another research that displayed the disparity in beliefs of men's and women's pain, showed that among patients with chronic pain who were referred to specialty clinics, men were more likely to have arrived in the clinics after a referral from their general practitioner, whereas women came there only after having seen a specialist or more⁹⁷.

The misbeliefs about women's pain also includes children and adolescents: in a study about the experience of pain among teenagers, more girls than boys reported to have experienced minimization of their pain, or to have been told they were faking it. Whereas as adults, women reported behaving like a credible patient, trying to modify their appearance in order to be more believable in front of their doctors⁹⁸.

Saulnier also mentioned a series of self-reported researches in which women reported being distrusted, psychologized, perceived as hysterical and emotional, and being told they were complaining, not wanting to get better, faking their pain and in which they have been assigned with psychological rather than physical causes to their chronicity. Moreover, an alarming data brought to light by Saulnier's review is that among those who suffer from autoimmune diseases, 78 percent are women: not for other reasons, those diseases are under-researched and, when the symptoms are present in women, women are told they are just stressed. Hence, not only their pain is taken less seriously than men's, but it is also ignored and minimized when this type of pain is experienced only by women⁹⁹.

⁹⁶ Saulnier, K.M. 2020. 'Telling, Hearing, and Believing: A Critical Analysis of Narrative Bioethics'. *Journal of Bioethical Inquiry*, (2020)

⁹⁷ *ibid*

⁹⁸ *ibid*

⁹⁹ *ibid*

All these studies make us wonder what happens when a woman's menstrual pain, a pain that no man can experience. Of course, and unfortunately, we cannot research if women and men would have been accorded the same level of credibility when complaining about menstrual pain, but we can imagine, from the above-mentioned examples, how the story could have been if men had uterus. Unsurprisingly, all the women's pain related to the reproductive system is particularly disbelieved. Sasha Doyle, in her article *Believing In Women Means Believing Their Pain*¹⁰⁰, explained how for years women warned each other not to use Essure, that is a birth control device - that only recently has been restricted - that was linked to a series of health problems, including chronic abdominal pain, fatigue and prostration and, finally, death. In the USA, the Food and Drug Administration (FDA) received more than 26,000 complaints and 8 reports of deaths directly linked to the use of the device. Despite all the complaints and the fact that the device was broken and culpable of leaving metal shards embedded in patients' uterus, Essure has been on the market since 2002, and only after almost 20 years of testimonies against it, their truth has been heard also outside the facebook groups created by female users to help and support others women's with Essure's problem.

If the pain derived from the shards of a metal device misplaced in someone's uterus is difficult to find credible, it is, instead, easy to believe that menstrual pain does not even get a chance in the race of feminine pain credibility. In 2018 doctors claimed that the pain of menstrual cramps could be almost as bad as the pain of a heart attack, but the fact remains that medical professionals are still being taught that drugs like ibuprofen could be more than enough to quiet the menstrual pain.¹⁰¹ Even if the majority of women are affected by menstrual disorders, including excessive uterine bleeding, dysmenorrhea and PMS¹⁰² (Houston et al., 2006), little progress has been done in this field. Dysmenorrhea, especially, that is characterized by recurrent and crampy abdominal pain, diarrhea, vomiting, nausea, back pain and fatigue (Houston et al., 2006), is completely ignored in societal context. As we have seen in the previous section, menstrual stigma made PMS negatively famous in the last

¹⁰⁰ Doyle, S. Believing women means believing their pain. Medium, April 17.
<https://medium.com/s/story/believing-women-means-believing-their-pain-6c48e06c7ccd>. (2018)

¹⁰¹ ibid

¹⁰² Houston, Avril M., Anisha Abraham, Zhihuan Huang, and Lawrence J. D'Angelo. 'Knowledge, Attitudes, and Consequences of Menstrual Health in Urban Adolescent Females'. *Journal of Pediatric and Adolescent Gynecology* (2006)

decades, and with it the idea that women are irrational and emotionally compromised. Dysmenorrhea, on the other hand, had a completely different destiny.

I do not refrain from saying that menstrual pain is not considered at all as a real pain. If it would, I would have not minded, during the course of my studies, to tell my professors about it when I could not attend a class because of my abdominal cramp in the same way I would have not minded to tell them that I could not attend a class because I had a cold. Rather, I have never done it. Because I know that, the moment I tell this story, I could look weird or believed just lazy. I am perfectly aware that me and my female colleagues are writing our thesis in the same amount of time requested to our fellow male students. I am also perfectly aware that it might be unjust for some of them. Among the applied ethics students, more than a half of us are women, more than a half of us menstruate but nobody wondered if it was just to to extend the deadline for female students or reduce it for males, due to the pain that the majority of us experience during the menstrual period.

However, the saddest thing is that no woman in our course requested an extension because of her menstruations. Because this is exactly how testimonial injustice works: the practical implications of denying credibility to a specific group in everyday life and in healthcare does not only implies the lack of ability to access resources, misdiagnoses, impaired quality of life, and impaired trust in the medical system¹⁰³, but it also implies an impaired trust in other social agents' capacity to believe you (colleagues, professors, university, friends). Testimonial injustice, with regards to menstrual pain, functions exactly in this way: it works not only, as we pictured for the whole section, by causing a loss of testimonial authority owing to a credibility deficit, but also by causing a gradual loss of epistemic confidence. Quoting Carel and Kidd, "a person or a group suffering from such a situation will not expect what they say to be heard, and in time might not speak at all, as the constant assault upon their testimonial practices gradually undermines their epistemic and social confidence"¹⁰⁴.

¹⁰³ Saulnier, K.M. 'Telling, Hearing, and Believing: A Critical Analysis of Narrative Bioethics'. *Journal of Bioethical Inquiry*, March. (2020)

¹⁰⁴ Kidd J., Carel, H., "Epistemic injustice and illness." *Journal of applied philosophy* 34.2 (2017)

IV - Conclusion

In this thesis I tried to show why menstruation should be a political matter: starting from concepts of social justice, through Young's account of structural injustices and oppression, we discovered that the world that surrounds menstrual experience is paved with different levels and degrees of systemic disadvantages. During the course of this thesis, those disadvantages have been proven to be structural and deepend in our everyday social and cultural practices. I have shown how, even within the most neutral institutional systems, such as the tax system, women are victims of injustice caused by the economic disadvantage they have to burden when they are forced to purchase menstrual products. We have seen how also our everyday epistemic practices should be judged ethically in order to discover if those apparently spontaneous and harmless practices produce injustices. We discovered that women are wronged specifically in their capacity as knowers when they are conveying knowledge to others, because of the stigma attached to menstruations. We also discovered that women are accorded a deflated level of credibility when they convey knowledge about their menstrual pain. All of these, other than identifying specific pattern of inequalities, had the merit to display the causes of such systemic impairments: from an adequate sanitation access in school, to cultural norms as taboos and stigma, from pink tax to tampon tax, I believe we now can say that the way institutions treat women with regards to their menstrual experience should be completely reformed. We now know that what causes women a systemic disadvantage is not the natural process of menstruation, but it is the way institutions and dominant cultures have always been considering women's bodies and their functions. There are still many reflections and judgements we should assess to delve into this topic from another perspective. For example, we could evaluate women's experience of menstruation through the lens of hermeneutical injustice, that is a type of injustice that occurs when someone cannot make sense of her own experience due to a lack of hermeneutical resources in societal context. If we approached this topic from that perspective, we may have discovered that menstrual taboos cause hermeneutical injustice notwithstanding the presence of hermeneutical resources aimed to make sense of women's menstrual experience.

If the economic disadvantage seems easy to dismantle by eliminating the tampon tax, there is still a long way to go: as we argued, tampon tax is not the only reason for the systemic

disadvantages that women and girls suffer. Period poverty, that is an expression to describe the difficulties to afford menstrual products, has to be dismantled not only by eliminating the tampon tax, but granting period products for all the women. A broad and complete discussion about which strategies should be pursued should be politicians' first order of business based on questions like: should we provide women with a monthly wage in order to purchase menstrual products? Or should we provide women with menstrual products directly? Choosing the products they will have to use is a way to constrain their choices and preferences?

Those are all really important questions that it is time to answer. Actually, we are already out of time. If institutions and policy-makers really want to pursue equality and justice, they should reform the structures that cause those system inequalities without any nostalgic remorse. It is time to acknowledge that women are constantly living under oppression, and that someone else seems comfortable with it. It is time to change.

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