Missing in Action: Violence, Power, and Discerning Agency

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How can black feminist and women of color feminist theoretical interventions help create frameworks for discerning agentic action in the context of power, oppression, and violence? In this paper, I explore the social dimension of agency and argue that intention is not just authored by the agent as a function of practical reasoning, but is also socially authored through others’ discernment and translation of her action. Further, when facilitated by reasoning designed to reinforce and rationalize systems of domination, social authoring systematically distorts the intentions of some agents. Although some theorists have argued that those agents whose intentions are not recognized by others are forced to exercise a diminished agency, I contend that this account obscures agency that is practiced despite or through conditions of oppression. As an alternative, I propose that feminist of color theory that examines the structural and existential erasures of women of color maps a conceptual space to help us better discern agentic action that is practiced by those subjects whose acts are defined away from them.

How can black feminist and women of color feminist theoretical interventions help create frameworks for discerning agentic action in the context of power, oppression, and violence? In this paper, I explore the social dimension of agency and argue that intention is not just authored by the agent as a function of practical reasoning, but is also socially authored through others’ translation of her action. As an example of social authoring of action, we can refer to the 2005 media coverage of Hurricane Katrina, which fixated on reports of looting in flooded New Orleans (Sommers et al. 2006). Two photographs published by different news agencies captured the public’s attention: One photo features white-skinned people traveling through the flooded area carrying food, and includes the caption, “Two residents wade through chest-deep water after finding bread and soda from a local grocery store after Hurricane Katrina came through the area in New Orleans, Louisiana” (Agence France Press 2005). The other image is nearly identical except the subject of the photo is a black man, and
this time the caption reads, “A young man walks through chest deep flood water after looting a grocery store in New Orleans” (Associated Press 2005). Defining their actions as “finding” and “looting,” the captions diverged in how they narrated the same apparent intentional action. Although the caption for the white-skinned agents abstained from normative explanations about their actions, the caption for the black agent affirmatively criminalized him and his actions, and institutionalized that characterization by reporting it as news.1

Scenarios such as the looting/finding example highlight how intention is not just authored by the agent, but is also socially authored through others’ discernment and translation of that action. The term social authoring is meant to convey a relationship of production between “observer” and “act.” I distinguish between social authoring and “social reading” of an act: To read an act is to apprehend an existing meaning, but to author an act is to create something new. When facilitated by reasoning designed to reinforce and rationalize systems of domination, social authoring relies on and further entrenches an institutionally sanctioned distortion of the intentions of some agents. Although some have suggested that subjects who are vulnerable to this distortion have “failed” or “undercut” agency (for example, Krause 2012), I contend that this account minimizes or obscures agentic action that is practiced through conditions of distorted recognition. As an alternative, I propose that feminist of color theory that examines the structural and existential erasures of women of color maps a conceptual space to help us better discern agentic action that is practiced by those subjects whose actions are defined away from them. With a specific interest in how the social authoring of intention unfolds for black women who act intentionally through precarious circumstances shaped by violence and erasure, I also consider what those kinds of scenarios can teach us about resistant and insurgent agentic practices.

Philosophical accounts of intentional action often begin with the premise that it is the agent herself who defines the aims of her actions, who authors her intentions. There is debate about what exactly this process of authorship entails; ascertaining one’s own beliefs and desires and rationally calculating how to actualize them (Velleman 1989), acting from an internal motivational structure based on the kind of person one is (Frankfurt 1988), and participating in a deliberative process of planning as a definitive manifestation of intention (Bratman 1987) are some competing accounts of intention in philosophy of action. The idea that agency is defined primarily by some property of or process within the agent herself is certainly intuitive. When a question about someone’s “agency” is raised colloquially, we are often inquiring about the interior life of the agent—what she thinks, how she feels, and what motivates her to act—calling attention to her engaged and active subjectivity.

However, we also generally act as if our actions will be understood by others, to make sense in order to carry on in a social world.2 When we animate our intentions through our actions, we render acts communicative when they occur under the observation of others. In general, one intends, she acts in a way that conveys this intention, she presumes that her act at least roughly communicates her intended meaning, and she reasonably anticipates that the information communicated by her act will be
received by observers in such a way that is consistent with her intention. When our actions are understood by others, their recognition of our intention becomes a part of the social choreography of agency. We presume, or, at times, perhaps hope, that what we meant our action to communicate and what others took it to express will effectively “correspond” in both senses of the word: as an effectual communicative relationship between the two, and “fit” with each other in a meaningful way. Consider charades and the feeling of satisfaction the actor experiences when she performs an action that successfully communicates a specific concept to others. The experience of one’s action being understood by others—that others can comprehend, or even take for granted, what one is doing and why—is one important confirmation that the agent is actualizing her intention as she anticipated. This supports a sense of self-efficacy, but also the crucial social experience of feeling understood.

Agents affirm the intention of one another’s actions through this synchronization of action, construal, and correlating reaction. The construction of our intentions and the execution of our actions are embedded in shared meaning on which we rely in an ongoing mutual process of discerning one another’s acts. Through acknowledging one another’s intentions via a mutually constructed background of meaning, we validate one another’s actions as “understandable” and “clear,” even if we do not necessarily endorse them. Through individual, collective, and institutional verification in this social exchange of action, we sanction actions, and by extension, agents, as something or someone that makes sense. In short, even if an agent develops her intentions and acts accordingly, others who observe the agent’s action also construct narratives of meaning about her actions, empowering them as social authors of her autonomous action. This social dialectic of agency generally works well in most cases where there is little dispute about the intention of our social actions as we go about the business of recognizing, understanding, and engaging others. However, people make occasional errors in this process; there are good faith misunderstandings and misinterpretations. Still, even these scenarios are often addressed through correctives such as clarification from the agent, increased imagination from the observer, or a third party’s explanatory intervention.

But how do we explain scenarios in which there are sustained and systemic divergences between what the agent intends her actions to mean and how others interpret the meaning of her actions? The looting/finding case, for example, demonstrates not just a “misunderstanding” of the black agent, but a fundamental corruption of the process of good faith translation. The social authoring of the black agent’s intention was prompted by “reasoning” organized by antiblack racism, triggering the definitive explanation of his action as already “criminal.” The criminalization of black action—both legally and conceptually—has been documented by theorists and social scientists as a persistent pattern in US culture. For example, Saidiya Hartman explores this idea in her bracing discussion about how the agency of black subjects was narrated in the context of US slavery, explaining that “the agency of the enslaved is only intelligible or recognizable as crime”; Angela Y. Davis invokes Frederick Douglass’s acute observation of “the South’s tendency to ‘impute crime to color’”; and Jennifer Eberhardt, with other researchers, has demonstrated the endurance of this imputation
with several recent psychological studies demonstrating that subjects reciprocally associate blackness and crime with each other (Hartman 1997; Davis 2003; Eberhardt et al. 2004). The yoking of black action to crime not only drives the social translation of the black actor and act in the photo; his “criminal intent” is reinforced as something that is true and obvious through the news media’s authoritative reproduction and validation of this explanation.

In “Tactical Strategies of the Streetwalker,” María Lugones argues that only an enfranchised agent reasons and acts “in a world of meaning and within social, political, and economic institutions that back him up and form the framework of his forming intentions” (Lugones 2003, 211). Lugones contends that enfranchised agents are “shareholders” of the social and institutional power that helps sanction the framework of meaning on which others rely to make sense of what she is doing and why she is doing it (211). For example, in the looting/finding photos, the white agents who “found” the food were characterized as “residents,” establishing a legitimate attachment to the city, asserting a standing of citizenship, which helps render them recognizable to others and produces an empathetic response (“they are us”). These actors’ intentions—presumably to secure food while surviving a disaster—enjoyed institutional backup because the actors’ whiteness accredited a status of belonging and entitlement to the public trust. The black agent who is characterized as “looting” is alternatively designated by the more anonymous moniker, “young man,” displacing him in the context of the caption, putting him in relation to no one and no place. His person is dissociated from the public, and his action is described definitively and fraught with moral judgment. He may have had the same intention as the “finders,” but because the institutions that Lugones cites are structured by antiblack racism (among other hegemonic schemas), his action is preregistered as already criminal. Even though the disenfranchised agent authors her own intentions, she is not authorized to prompt social recognition of those intentions. Indeed, the disenfranchised agent not only sustains a risk of being perceived divergently from her intentions, but even when she attempts to clarify, her explanation does not benefit from the kind of productive self-doubt from others needed to realistically challenge or correct others (whether their divergent explanations are deliberate or not). Not only does she not “make sense” to others as she intends, but the institutional backup of enfranchised agents encourages a sense of self-certainty, entrenching their assessment of her action, making it less likely that they will engage in the kind of corrective processes mentioned earlier.

Systemic corruptions within the social dimension of agency can occur in different kinds of contexts, from microaggressions between individual agents to institutional meaning-making such as the looting/finding example. However, I think it is particularly instructive for feminist philosophy of agency to consider how these kinds of corruptions unfold in the context of violence against black women. Violence targeting black women in action reveals how moral categories that are taken for granted, such as “victim of domestic violence,” ultimately become destabilized, requiring us to engage those categories more critically as well as reconsider the politics and practice of agency in the context of oppression.
For a vivid example, consider the 2010 case of Janice Wells, a 57-year-old black schoolteacher in rural Georgia, who called the police to report a prowler near her home (Cook 2010). For unreported reasons, the responding white officer, Tim Murphy, evaluated Wells as a target of domestic violence rather than as a victim of potential home intrusion. According to his official report, Murphy demanded the name of a guest who was at Wells's home when Murphy arrived (but who had since left) because, he asserted, since he designated this as a domestic violence case, he was mandated to get this information. Wells refused to share the person's name and instead walked toward the front of her house. According to his police report, Murphy then proceeded to threaten to take her to jail, chase, handcuff, and pepper-spray her. He then called for backup, and Officer Ryan Smith, also white, shortly arrived at the scene. A video and audio recording taken from a camera in Smith’s police car shows that, when he got out of his car, he said nothing and asked nothing. Instead, Smith instantly and repeatedly tasered Janice Wells. Smith wrote in his report that, before he tasered her, Wells was “in a ball position facing the ground.” In the recording of Smith’s assault, Wells can be heard pleading with Smith to stop as he tasered her repeatedly. Wells recounted, “I fell to the ground. I was balled up and I was begging him to leave me alone” (Cook 2010).

Like the looting/finding example, this chain of actions and reactions between Mrs. Wells and Officers Murphy and Smith adhered to the mutually constitutive relationship between antiblack racism and the criminalization of black subjects. This relationship fundamentally structures how police (and other individuals acting on behalf of systems that regulate “crime” and “criminals”) engage black women who experience domestic violence, sexual violence, and other kinds of gendered attacks. Instead of acting as agents of violence disruption for black women, police are often agents of violence provocation, exacerbation, and persistence (INCITE! 2008; Richie 2012). Why is this so for black women in particular?

The officers’ narration of Wells’s actions were filtered through a living archive of scripts, representations, and logics that define black women and their actions as criminal, uncontrollable, untrustworthy, and pathological (Roberts 1998; Collins 2000). This historically constituted, socially reinforced, and institutionally authorized archive acts as a silent resource used by other agents to discern what black women's actions “really mean.” One might imagine that Wells's actions—calling the police for help to address an intruder; refusing to give Officer Murphy information when he became confrontational; moving toward the front of her house when he refused to take no for an answer, perhaps increasing the visibility of their encounter; backing away from him when he threatened to take her to jail; and running away from him when he grabbed her arm—communicate an intention of self-defense. However, this exchange facilitated an institutionally authorized displacement of Wells’s self-definition and, by extension, a social erasure of her intentions. When gendered racism is used as a rationalizing lens, as I argue it was here, it deflects social authoring away from black women agents’ explanatory context, and toward a rationalization of their actions constructed through the terms of this archive. The archive not only teaches, but proves. Once Wells was displaced, the officers indexed her actions to this archive, which not
only definitively explained her actions, but also affirmed the correctness of their consequent reactions as not just defensible, but self-evidently necessary. Described by one news source as “unrepentant,” Officer Smith was asked why he repeatedly tasered a person who was ballied up on the ground pleading for him to stop. He answered matter-of-factly, “I did what I had to do to take control of the situation” (Cook 2010).

In “Object into Subject: Some Thoughts on the Work of Black Women Artists,” Michelle Cliff characterizes the social displacement of active black subjects as a process that renders them “ghostlike” (Cliff 1990, 272). Racist authoring of black agentic action evacuates black agents’ self-generated explanation from their actions, replacing it with intentions and explanations constructed through the living archive and sanctioned by institutional racism. In other words, within social dialectics of agency informed and empowered by logics designed to sustain racial domination and anti-black racism, black agents essentially become missing in action, supplanted by fictive agencies that stand in for explanatory narrative about black action. Cliff provides an example of disappearing actors using a story by playwright Lorraine Hansberry who recalls a white reviewer’s discussion of her work, A Raisin in the Sun. The reviewer marveled about the “quaint loveliness in how our ‘dusky brethren’ can come up with a song and hum their troubles away” (Cliff 1990, 273). Hansberry reflected, “It did not seem to disturb him one whit that there is no single allusion to that particular mythical gift in the entire play. He did not need it there; it was in his head” (273).

Importantly, in the reviewer’s imagination (that he takes as real), the actors did not just sing, they sang for a purpose: to create comfort from their “troubles.” The reviewer did not just “see” an image of people acting, he also projected a fictive deliberative process, or a phantom intention. Likewise, the officers’ dehumanization of Janice Wells did not only amount to an objectification of her person in the sense that they considered her akin to a table, or even just an “image.” They also projected phantom intentions, affirming Wells’s culpability within their constructed narrative of her “criminal” and “uncontrollable” behavior, and constructing the kind of agent that accords with their conclusions. Phantom intentions also help sustain the officers’ fantasy that they were reacting rationally. Defining her intentions as criminal and uncontrollable reconciles their reactionary responses to her call for help. Wells’s intentions were not only displaced and distorted by and for the police, they reconstructed her into a particular kind of agent—an uncontrollable criminal—making her intrinsically blameworthy no matter what she ultimately chose to do. Because the officers had extensive institutional backup through a combination of racialized authority accorded through whiteness and their status as agents of state power, their explanations are legitimized by both the state and the public imagination.3

Measuring vs. Mapping Agency

Wells’s encounter with the police exposes how the social dimension of agency can be historically constituted, politically contingent, and institutionally regulated through structural violence and domination. This idea finds company with many feminist
philosophical critiques of dominant Western notions of human agency and autonomy that hinge on a universalized ideal of a self-actualized, independent, and efficacious agent (see, for example, Meyers 1989; Code 2000; Friedman 2000; Mackenzie and Stoljar 2000; Lugones 2003; Krause 2012). These important interventions contend that an analysis of oppression is key to developing a more nuanced and comprehensive understanding of human agency and autonomy. However, one challenge for these views is explaining how oppression can obstruct or demarcate intentional and autonomous action without obscuring or discrediting the experience and practice of agency by disenfranchised subjects who act intentionally despite/against/within conditions of oppression and violence.

For example, in her nuanced discussion of agency's social dimension, Sharon Krause argues that agency is a function between subjects that includes “communicative exchanges, background meanings, personal intentions, social interpretations, self-understandings, and even bodily encounters through which one's identity finds affirmation in one's deeds” (Krause 2012, 5–6). She asserts that, because intersubjectivity is a core feature of agency, the lack of social recognition experienced by oppressed subjects “undercuts” their agency (12, 13, 15). Krause's view is that agency is the social affirmation of one's existence through action in the world and, consequently, if there is no social affirmation of a subject’s intentional action (as was the case in Wells's encounter with the police officers), her agency is diminished (12). She contends,

there can be no agency without effects. For in contrast to mere willing (or dreaming), agency involves actually having an impact on the world…. What we can accomplish in any particular instance depends partly on what other people think we are doing, and on the background of social meaning against which their interpretations arise; individual agency depends on social uptake. (3)

This argument suggests a scaled account of agency that appraises those actors whose intentions receive sufficient social validation as full-fledged agents, whereas those actors whose intentions are not affirmed by others because of the consequences of oppression are assessed as exercising “failed” agency (9, 10, 14). Krause’s broader analysis resonates with my own in that we agree that there is a key social dimension to agency that is vulnerable to being corrupted by oppression. However, our picture differs in that she contends that “individual agency depends on social uptake,” but I argue that individual agency does not necessarily depend on social uptake, but it is or is not sanctioned by social uptake. Scenarios such as the looting/finding case and the police attack on Janice Wells reflect the conditions of violence and oppression that empower others to distort agents’ intentions, but does not necessarily demonstrate a “failure of agency” for actors who are disenfranchised in the context of these kinds of events. Disenfranchised agents are “doing their part” to reflect, reason, visualize, anticipate—intend—and meaningfully act according to their intention (for example, securing food, as in the looting/finding case, or defending oneself, as in Wells's experience). The failure in these cases does not emerge from these actors’ agency, but
lives in the distortion of these subjects’ intentions by others as well as the social and political conditions that legitimate those distortions.

Krause also proposes that, because agency is “socially distributed,” disenfranchised agents have the option to organize and participate in alternative domains of social engagement that can provide the “social uptake they need to sustain their agency even when the broader society fails to provide it” (19). I agree that cultivating alternative social spheres that recognize and reflect the intentions of disenfranchised agents is one meaningful and productive strategy for establishing alternative social recognition of action. However, the premise that agents need an affirming public in order to be considered genuinely agentic discredits agency that they exercise without any social recognition and validation. If we characterize Wells’s agency as failed because her intentions were re-scripted by police as criminal and out of control, we augment her disappearance within the public sphere of racism, reinforcing her public situation as “missing in action” by diminishing the dimension of agency in which her intentions and the actions she brought to bear made sense to her.

One might argue that Wells may have exercised a nominal amount of agency by attempting to defend herself, but she was still ultimately inefficacious given the egregious violence she ultimately sustained, so we should regard her agency as at least diminished. But a scaled model of agency based on a standard of efficacy over-idealizes agency practiced without struggle or complication and has trouble substantially accounting for agency practiced in constraining conditions. For example, Krause asserts,

> our impact can fall short, for we can fail to effect the world in ways that genuinely manifest our identities. Here efficacy is thwarted rather than extended, with disabling repercussions for agency. The vulnerability of agency in this regard is a function of the fact that individual agency depends on social uptake. (Krause 2012, 5)

Krause’s contention that oppression creates a “disabling dynamic” for agency (7, 13) and, consequently, oppressed subjects have agency that has been “disabled” (12, 13) is predicated on an idealized notion of agency that must be efficacious in achieving social recognition. Alison Kafer has flagged the “feminist tradition” of employing the concept of “disabling” to describe and critique the ways in which patriarchy impedes women’s lives, a move that posits the condition of nondisabled as the desired norm and disabled as the “negative other” (Kafer 2003, 83–84). This kind of feminist purposing of “disabling” is often used to support arguments that women are prevented from achieving some status that is (generally) granted to men, rather than advance arguments that critique the status itself. In Krause’s account, the term disabled is used to describe agency that has failed to achieve a status of social recognition because of factors related to oppression. If the actor is disenfranchised, Krause allows for a possibility that she might be able to achieve ideal agency with the backup of an alternative public, such as a social movement. However, her account seems to hold that it is easiest and most effectual if the subject’s intended meaning for her action receives backup from the dominant social sphere. Therefore, Krause’s scale of “disabled” to
“able” agency standardizes, rather than critiques, agency that is most efficacious, which, in the context of oppression, is agency exercised by those who receive backup by systems of oppression.

Instead of concluding that oppression prevents disenfranchised agents from being fully agentic, we might take our cues from Lugones, Lorraine Code, and others who have challenged the idea that in order to exercise intentional action, one must conform to problematic notions of autonomy and efficacy (Code 2000; Lugones 2003). Perhaps a disability-conscious framework can facilitate a reimagining of agency that foregrounds the experience of “struggle” when trying to accomplish an end (Wendell 1989) and emphasizes the role of improvisation and making do when there is a breakdown of an agentic plan (Lugones 2003). For example, when Janice Wells implemented her plan to secure her safety by calling the police to her home, only to be brutally attacked by them, she unquestionably experienced a profound breakdown of how she probably anticipated that encounter to unfold. Still, Wells appeared to make decisive choices throughout the episode to adapt her actions to respond to the shifting circumstances, improvising strategies that may have secured the survival of herself and her friend in a violent situation she could not escape.

We must not only ask how agentic intention is dislocated from subjects and reconstructed by others, but also how are those reconstructions—those phantom intentions—then resisted, managed, manipulated, or destabilized by disenfranchised agents who remain agents despite or through these breakdowns? Instead of a binary or scaled model of agency that gauges subjects as having more or less, abled or disabled, or successful or failed agency, I propose a heterogeneous framework of agency—agencies. The social dimension of agency is, in part, defined by whether an agent’s action will be legible to others as she intends, whether she has institutional backup for her account of her actions if there is disagreement or a misunderstanding between her and others about the meaning of her action, and if the agent’s intention is vulnerable to being replaced by some other constructed explanation of her action that conforms to an oppressive schema. The kind of agency one has depends on how these factors position her in relation to others when practicing intentional action in the social sphere. Instead of asking, how did Janice Wells’s agency fail, we might ask, what kind of agency did Wells exercise before, during, and after the police assault? How was her agency (dis)positioned with respect to institutional racism and sexism, and how might we describe her choice-making in those conditions? A heterogeneous model can help us propose language and frameworks to discern agency that is practiced within the constraints of violence and oppression. Further, although a scaled model may appraise the officers as models of successful, fully realized agents, a heterogeneous model may help prevent idealizing or normalizing agencies that are backed up by structural oppression because they seem more efficacious or more empowered. A heterogeneous account can map their agency as it relates to how they are positioned within the context of institutional power: for example, instead of successful agency, we might register the officers as exercising hegemonic agency. For the purposes of this paper, however, I will focus on exploring alternative formulations of agency one might use to discern black women’s intentional action. If phantom intentions can be
discursively produced, institutionally reinforced, and structurally sanctioned, then what kinds of agency do disenfranchised agents cultivate and exercise to negotiate that process?

**FORMING RESISTANT AGENCIES**

This section considers black women's strategic practices of self-making and agentic action through conditions of violence. Norma Alarcón has argued that women of color, as theoretical subjects, define themselves within a "crisis of meaning," or circumstances in which they are constructed within political and theoretical frameworks unequipped to reflect their experiences and insights (Alarcón 1995, 359). To illustrate how Janice Wells's experience was an expression of the crisis of meaning that persistently frames black women's experiences of violence, we can turn to Kimberlé Crenshaw's landmark article, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color" (Crenshaw 1991). In this article, Crenshaw illustrates how dominant feminist discourses and legal infrastructure designed to support survivors of violence fail to account for how racist and sexist oppression "intersect" to shape the conditions and experience of domestic and sexual violence for women of color, rendering them illegible as survivors of violence. While researching this pattern, Crenshaw noted that advocates from black and brown communities hesitated to release statistics about domestic violence in their communities to the public because of their concern that the data would be "dismissed … as a minority problem and, therefore, not deserving of aggressive action" (Crenshaw 1991, 1253). They were also concerned that the release of statistics would trigger a white stigmatization of communities of color as "uncontrollably violent" (1253). Importantly, the advocates' hesitation not only turned on an acknowledgment of the pervasive devaluation of nonwhite victims of violence, but instead exposed how victims from their communities are absorbed into a general code of "minority problem." They understood that "minority problem" is shorthand used to convey that problemhood is considered an intrinsic and permanent condition for nonwhite people, a characterization that is used to justify white contempt and various forms of institutional violence. Therefore, to code domestic violence as a "minority problem" disintegrates the formula of "victim" and "aggressor"; rather than discerning the moral distinction of victim and aggressor, domestic violence becomes generalized into a problem of pathology for all involved. I use "problem" here in the Du Boisian sense, echoing his query and existential riddle posed to and about black people: How does it feel to be a problem (Du Bois 1903/1996, 101; Gordon 2000)? That is, these advocates' concern reflected a realization that survivors of color are abstracted not as people with the problem of domestic violence in their lives, but as the embodiment of problemhood, as themselves problems.

This makes it particularly significant that the police attack on Janice Wells was informed by the politics of domestic violence, despite the fact that she said that she called the police to report a "prowler." Officer Smith's diagnosis of her circumstances
as domestic violence, despite her objections, didn't inspire sympathetic or supportive
treatment from him toward the would-be victim. Quite the opposite: designating her
experience as domestic violence entrenched his criminalization of Wells's person and
actions. He received an assist from the state criminalization of domestic violence
through mandatory arrest policies, policies supported by many antiviolence feminists
and invoked by Smith as the legal justification to threaten Wells with arrest (Richie
2012). As I have argued elsewhere, when black women are victims of gendered vio-
ence, they are often (dis)positioned as the perpetrator of the crime of violence (Bier-
rria 2012). Not only are black women not permitted to conceptually occupy the
moral status of victim of gendered violence, domestic violence policy is leveraged by
policy-makers, policy-enforcers, and a complicit public as a criminalizing and/or pa-
thologizing device against black survivors. Not only is this crisis of meaning emblem-
atic of the “psychic and material violence” that Alarcón identifies as the field
through which women of color construct their subjectivity, it also reveals an existen-
tial violence by disqualifying a conceptual space for black women survivors of vio-
lence to exist as such. It is through this existential violence that black women devise
intention and exercise agentic action that is often discordant with dominant political
and moral schemas. Black women who act intentionally within a crisis of meaning
must discern how to employ agency on the margins of legibility and legitimacy, in
the context of different kinds of resistance, and, sometimes, with the expectation of
certain failure.

As noted above, a heterogeneous paradigm for agency can illuminate different
modalities of agency that may be socially displaced and distorted, but is still agency.
It is not my intention to chart a detailed map of possible resistant agencies, but I
would like to briefly consider a few prospects. For example, “transformative agency”
might cover action intended to fundamentally overturn conditions of systematic
oppression, especially (but not exclusively) through collective action, such as through
community organizing, movement building, or political advocacy. Transformative
agency endeavors to challenge the structural and hermeneutic conditions that facili-
tate the displacement of some agents and the distortion of their actions. As Angela
Y. Davis warns, action meant to meaningfully transform oppression is regularly and
actively countered with state violence (Davis 1971/1998). Even those actions that
are within the boundaries of the law remain vulnerable to being criminalized and
punished.

Alien agency facilitates action that intentionally creates meaning apart from dom-
inant structures of oppression and the people who endorse them. Jared Sexton illus-
trates this idea with an anecdote about a show led by jazz legend Sonny Rollins in
which the microphones stopped working. The band disregarded the technical break-
down that alienated them from the audience and chose to keep playing anyway
because, as Sexton summarizes the drummer's view, “The microphone might go on, it
might go off, it doesn't matter. We're not here because of the microphone, we're here
because of what is being produced on this stage” (Sexton 2011). Alien agentic action
does not seek to transform systemic conditions of oppression, but is resistant in that
it facilitates action that is preoccupied with cultivating its own universe of meaning
and practice that affirms that which is unvalued—in this case, black life—and is therefore ambivalent about or even encourages its illegibility within the dominant public sphere. Indeed, illegibility can be leveraged as an advantage; remaining coded and strange to others can be a strategic benefit.

I am particularly interested in resistant acts employed by disenfranchised agents that are not necessarily designed to transform or transcend oppression, but instead manipulate and maneuver those conditions to achieve ends that are structured as unachievable. These acts have the potential to corrode elements of structural domination while still operating within the violent constraints of power, as suggested by Neferti Tadiar (Tadiar 2011). I propose a concept of “insurgent agency,” or a kind of resistant agency that does not aim to transform the conditions of oppression, but instead temporarily destabilizes, circumnavigates, or manipulates those conditions in order to reach specific ends. Insurgent agency is inspired by the concept of “insurgent citizenship,” coined by anthropologist James Holston and applied by Evelyn Nakano Glenn in her discussion of black women voters manipulating post-Reconstruction voting rules to craft democratic practices that included black women’s participation and leadership, and undocumented immigrant students’ troubling the concept of citizenship (Holston 2009; Glenn 2010). Insurgent agency is employed by subjects who intentionally act in unstable and precarious circumstances that are difficult to escape or alter, and who craft provisional and makeshift practices of opposition that subvert, but still remain defined by, conditions of power.

For example, Kelley Williams-Bolar, a black mother of two in a low-income district in Akron, Ohio, registered her children at a school located in a wealthier neighboring district, an act that is criminalized by her state. When discovered, she was convicted of a felony and sentenced to ten years in prison (which was later reduced to ten days), three years probation, a $30,000 fine for “stealing” public education, and the removal of access to the teaching degree that she was in the process of earning (Meyer 2011). In a context of race and class stratification of public schools and economic opportunities, Williams-Bolar found herself facing devastating consequences as a result of her efforts to circumvent these institutional constraints. Similar to the discussion about black women’s relationship to the moral categories of gendered violence, Williams-Bolar’s experience demonstrates a crisis of meaning, exposing unresolved problems about the contested moral status of black motherhood and whether the actions of black women are entitled to be evaluated as “good mothering” (Roberts 1998).

I contend that, through this crisis, Williams-Bolar devised at least two insurgent and instructive actions. First, she used her father’s address on state paperwork in order to register her children in the neighboring district. Importantly, she notes that this is a regular practice among low-income parents in “closed-enrollment” districts who maneuver paperwork as a strategy to destabilize legal stratification in public schools and send their children to the school they evaluate as best for them (Williams 2011). This kind of insurgent agency is also commonly known as a hustle, or a method of manipulating constraining and unjust conditions in order to secure provisions for one’s well-being. This is not organized action—parents were not
coordinating these choices in a sustained way— but it is flexible and mutable, with the ability to adapt to changing circumstances.

Second, I suggest that Williams-Bolar possibly managed the media and activist response to her sentence when she intervened in the public narrative to clarify her “true intentions” for why she sent her children to the neighboring school. The public appeared to assume that her intention was to secure a “better quality education” for her children. The punitive public criminalized this intention, characterizing it as “stealing” a resource to which her family was not entitled. The supportive public promoted a political analysis of institutional racism in public schools, arguing that children who are black and low-income are unjustly afforded less access to high-quality education. During and shortly after her trial, Williams-Bolar rejected both of these constructed intentions by emphasizing to the media that she did not falsify documents in order to gain a better education for her children, but to provide them access to a safer school after she had recently experienced a home burglary (Williams 2011). However, after clearing much of her legal trouble, she confirmed that she made her choices in order to secure her children’s access to “a safer, higher-performing suburban school” (Williams-Bolar 2012).

Although I do not draw definitive conclusions about Williams-Bolar’s “actual” intentions, I propose a possible reading of her intervention as a pragmatic tactic to advance an explanation that resonates in a culture that conflates black life with violence. By reframing herself as a remorseful person who behaved unethically, but who had “no choice” in (what might be seen as predictably) violent circumstances, she potentially made herself more sympathetic to the governor than she would have been as a symbol for education justice. As a practical strategy, invoking violence is a way of engaging the dominant archive about black women, deliberately leveraging it to propose a narrative that is more familiar and less politically threatening in a culture shaped by antiblack racism, and, therefore, managing the breakdown to accomplish the most important goal at the time: avoiding prison. Insurgent agency, then, can temporarily redirect the archive as a provisional tactic. This kind of agency, this hustle, is not usually celebrated as an idealized model of liberatory action, but it is a kind of intentional action that requires imagination and strategic thinking, and that is accessible for use in circumstances in which one is isolated and has few options. Therefore, it is a rich category for further exploration.

Lugones asserts that a coherent theory of oppression must be able to hold the following contradiction: oppression, in its full force, is inescapable, and the possibility of liberation must be affirmed (Lugones 2003, 55). This is the field of contradiction in which I argue human agency and oppression must be theorized. Perhaps instead of asking “if” or “whether” people can be agents within the contradiction of ongoing oppression and resistance, we might ask “how?” In this paper, I have attempted to begin to schematize how, in the strategic sense, oppressed subjects exercise agentic action. However, I also suggest we ask “how” as a more open, existential project. For example, given the crisis that racism creates for standardized moral categories, how do black subjects and other oppressed people plan purposeful action in social conditions that are precarious and out of their control, how do they exercise meaningful
action in a culture designed to define that action into something else entirely, and what are the consequences for issues that are associated with agency such as blame, accountability, and redress? This is the direction where I hope the momentum of this discussion might grow.

Notes

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1. Some have contended that the divergent captions are a consequence of different standards for the two news agencies that published their respective photos and captions. However, analysts have shown that the captions were consistent with the media’s overall pattern of racialized characterizations of individuals surviving the aftermath of the hurricane (for example, Sommer et al. 2006).

2. This analysis is indebted to those theorists who have explored the “social embeddedness” of agents and active subjects (for example, Mackenzie and Stoljar 2000; Lugones 2003).

3. The police officers who attacked Janice Wells suffered very minor repercussions. I suspect that the reason they experienced any consequences at all is because the attack was caught on video and the local sheriff knew Wells personally (Cook 2010). The case received very little media attention or public outcry, in part because episodes of police violence against women of color are often obscured, de-prioritized, or simply not translated as genuine cases of “police brutality” or “violence against women” (INCITE! 2008; Richie 2012).

4. Krause’s paper was prepared for delivery to a Stanford University Political Theory Workshop on March 9, 2012. Though it is published online on Stanford’s Political Science website, another version may be in development.

5. Some theorists have asserted that Western philosophical notions of autonomy and agency essentially amount to a fantasy. Code characterizes the idealized “autonomous man” as a “regulative fiction” that subjects others to an “impossible imperative” (Code 2000, 196). Lugones calls the model of “successful agents” a “sham” (Lugones 2003, 218). Judy Scales-Trent asserts that if anyone possesses less autonomy, it must be white Americans who are “constrained by their need for dependence and dominance” (Scales-Trent 1999, 863). Though I do not reject the concept of agency wholesale, my proposed heterogeneous framework for agency is in solidarity with these challenges. That is, I do not mean to repair the problems that these theorists and others identify, but to conceptualize agency through fundamentally different paradigmatic possibilities that are mindful of their critiques.

6. I do not mean to conflate disability with oppression, or obscure the ways in which oppression itself can be the fundamental source of “struggle” for people with disabilities. Instead, I propose that Susan Wendell’s (and others’) insights about the role of “struggle” in the context of disability might help trouble an idealized notion of agency that hinges
on efficacy and expand our thinking about agency despite/against/within forms of constraint in general (Wendell 1989).

7. This crisis of the disintegration of moral discernment in the context of domestic and sexual violence also creates related existential problems for black people who commit acts of violence against others. If we “impute crime to color,” as Douglass notes, then the notion that gendered violence must be “criminalized” in order to defend a position that it is profoundly immoral and unjust creates an existential vacuum for moral redress and accountability. As Lewis Gordon asks, “How can one have agency in a world of meaningless guilt?” (Gordon 2000, 20). Perhaps efforts to develop strategies to attend to violence separate from and/or against frameworks that mandate criminalization (for example, Rojas et al. 2012) will be better positioned to advance ideas about the racialized existential dimensions of domestic and sexual violence.

REFERENCES


