# Bierria K of Kant/Kantian rationality

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## K

#### Intents are not agent-defined. Rather, successful communication of an action is contingent on a process of social authoring, which means that black action is always preregistered as criminal. The reciprocal association of blackness and crime is a social process that shapes how black intention is communicated.

Bierria 13, Alisa. Missing in Action: Violence, Power, and Discerning Agency. Hypatia vol. 29, no. 1 (Winter 2014). doi:10.1111/hypa.12074  --ilake mw [looting/finding photos: articles about hurricane Katrina that showed white people taking food from stores that was floating in floodwater where the caption used the word “finding” food, whereas an almost identical photo of a black man taking the same action was captioned with “looting”]

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 con- ditions 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 prac- tices. 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 per- son 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 effec- tively “correspond” in both senses of the word: as an effectual communicative rela- tionship 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-effi- cacy, 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 vali- date one another’s actions as “understandable” and “clear,” even if we do not neces- sarily 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 diver- gences 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 intelli- gible 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 transla- tion 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 reproduc- tion and validation of this explanation. In “Tactical Strategies of the Streetwalker,” Marıa Lugones argues that only an enfranchised agent reasons and acts “in a world of meaning and within social, politi- cal, and economic institutions that back him up and form the framework of his form- ing 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 attach- ment 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 institu- tional 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 men- tioned 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 particu- larly instructive for feminist philosophy of agency to consider how these kinds of cor- ruptions 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.

#### The alternative is that disenfranchised agents should practice insurgent agency—bending oppressive constraints in one’s favor can reframe an agent’s intentions and subvert the power of systems of domination.

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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 domina- tion while still operating within the violent constraints of power, as suggested by Nef- erti 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 citi- zenship (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 neigh- boring 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 earn- ing (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 vio- lence, Williams-Bolar’s experience demonstrates a crisis of meaning, exposing unre- solved problems about the contested moral status of black motherhood and whether the actions of black women are entitled to be evaluated as “good mothering” (Rob- erts 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 pro- moted a political analysis of institutional racism in public schools, arguing that chil- dren 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 docu- ments 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-perform- ing 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 vio- lence. 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 hus- tle, 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 fol- lowing 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 condi- tions 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.