These remarks on epistemic injustice are drawn from an account of the hermeneutics of agency. I consider the epistemic injustice implicated in assertions about the agential deficiencies of members of disadvantaged groups, as well as the injustice of withholding what I call “semantic authority” from the interpretations of social life that would underwrite the social agency of such persons.

I argue that to fully understand global injustices, we need a way of making salient the discrepancy between, on the one hand, the historically sedimented conditions that continue to impede agency for some and, on the other hand, the enabling, but often hidden or unacknowledged, conditions that facilitate agency for others. I claim that drawing a distinction between what I call first-order agency and second-order agency allows us to do this insofar as this distinction disaggregates the volitional and epistemic components of agency. By “second order agency,” I refer to the ability to produce, acquire, or to avail oneself of the facilitating conditions of action in the first-order sense. While those conditions may be of both a material/structural and of an epistemic sort, in this essay I concentrate primarily on the latter sorts of condition, the epistemic. And I argue that if persons who suffer under current conditions appear, through their actions or inaction, to be culpable for their own suffering, we ought to heed the aforementioned distinctions, for it may be the case that we do not yet truly understand their choices. To understand a person’s choices will require that we engage in a hermeneutical investigation undertaken under what I call the constraint of narrative representability. That is, we must ask: how do things appear from the first-person perspective within which these choices were made? Understanding such choices in this manner can bring into focus cases where the agent making the choices is not culpable for their failure to make life-enhancing choices (while, of course, still leaving open the possibility that in some cases they may be), but where instead an injustice of an epistemic sort is present. By “an injustice of an epistemic sort,” I refer to the injustice of failing to acknowledge the agent’s epistemic state when that state, or the structural conditions responsible for it, unfairly compromise the agent’s ability to act. This is the compound injustice of having one’s agency compromised by an epistemic limitation for which one bears no culpability and of nevertheless being judged or blamed for that lack of agency.

**On agency, the politics of memory, and epistemic injustice**

In a recent book, Thomas McCarthy (2009) provides a wide-ranging treatment of matters of global justice. Central among his themes is the claim that global justice requires sustained
attention to the repair of the “harmful effects of past injustice.” In matters of race, the persistence of perniciously systematic racial stratification in the US – despite the discrediting of the biological significance of race and the formal legal protections afforded by the civil rights movement – is instructively on display in pre-Katrina New Orleans. New Orleans, well before the levees broke, was paradigmatically illustrative of the kinds of social practice that reproduce racial formations and in a way that fully warrants McCarthy’s application of the term “neo-racism.” Among the factors operative in this twenty-first century American city were the mutually reinforcing relationships between public educational expectations (and delivery), the predominance of low-wage service sector employment opportunities for unskilled workers, and the “homestead exemption” tax policy. The latter exempts a designated class of real estate owners from having to pay property taxes which, of course, fund the public schools.

Not only were high levels of truancy among New Orleans’ African-American school-aged population not regarded as an aberration, but, worse yet, their teachers showed up only infrequently. This too was apparently unexceptional. And it did not seem to matter. Or rather it all worked out “all too well” because the predominance of jobs open to the New Orleans poor were in the service sector of the tourist industry. Too much education would be dysfunctional in this system. In many ways, and almost 150 years after the legal end of slavery in the US, New Orleans still seemed a virtual “plantation” society where the inertial effects of that past wound maintained their vise-like grip on the present.

One way of pursuing what McCarthy aptly calls the “politics of public memory,” (2009: 103–107) a politics in which a critical theory of global development must engage is to address the hysteretic effects of both racial discrimination at home and colonialism abroad. I adopt the expression, “hysteretic effect” from physics, where it refers to the inability of a disturbed system to return to its original state when the external cause of the disturbance has been removed, to effects that persist in the absence of initiating causes. Because past states of systems remain present in this way, hysteretic effects are those wherein systems retain a “memory” that haunts the present, or in the recent words of Barack Obama, where “past injustices continue to shape the present” (2015). A typical formulation of the refusal to address these effects, and one that is symptomatic of our public amnesia regarding matters of race, is the neoconservatives’ well-known “culture of poverty thesis,” and in the global arena, the invocation of the “dysfunctional cultural values” of “underdeveloped” societies (McCarthy 2009: 10). In challenging the claim of the neoracists and other like-minded commentators that the social pathology of the poor is the independent variable in accounting for their social wretchedness, McCarthy suggests that social structures and processes, on the one hand, and psychological and cultural patterns, on the other, should rather be understood as being reciprocally related (2009: 11). I endorse this view – with the emendation that structural disparities will often have as their corollaries epistemic disparities, an unfair distribution of epistemic resources – and would like here to develop it a bit further.

The expression “culture of poverty” is a signifier for a weakness of culture and character that manifests itself as an agency deficit, a deficit conceived of either as 1) a values deficit and/or 2) as a species of weakness of will, *akrasia*, lack of discipline, self-control, and so on. In the latter case, the agent is taken to be *culpably* unable – for want of will or discipline – to make good choices. I argue here that the invocation of the culture of poverty thesis may well instantiate a fallacy that some have dubbed “psychologizing the structural” (Khader 2011: 56). This refers to the false assumption that a particular population’s failure to flourish is caused primarily by such psychological deficits rather than by that population’s structural environment. Such a verdict fails to take into account the agents’ conceptions of socially available courses of action. Only a hermeneutic investigation will enable us to know whether or not such a fallacy has been committed. Central to such an investigation is the acknowledgment that an agent’s knowledge of the social world is
essentially interpretive, that is, that it is knowledge of the social domain under a particular description. And structuring any such interpretation will be beliefs about what socially available options there are, beliefs about what can intelligibly be done.

I have addressed the issue of the pathology of valuation elsewhere (Simpson 1987: 164–173). Here I address the second form that an agency deficit might assume and, in so doing, expand the conception of agency that we are typically inclined to hold. It is useful to think of agency as the capacity to direct oneself, with effect, towards the achievement of an end or state, either of oneself or of the world. But often, if not always, the actualization of such what I shall now call first-order capacities is conditioned by what I shall call capacities of the second order, capacities that enable or condition the exercise of capacities of the first order. I find it useful to think of second-order agency as the ability to acquire or avail oneself of the enabling and/or facilitating conditions – especially the epistemic conditions – of action in the first-order sense.

An example of John Locke’s can be turned to my purposes here. I have in mind the situation of a person who is put into a cell and is led to believe, falsely, that all the doors are locked (1979: II.xxi.10). Such a person is objectively, from a third-person standpoint, able to leave the cell. But because, given the information made available to him, he cannot avail himself of this opportunity, his ability to do so is compromised. To the extent that the second-order capacity to acquire knowledge of the state of the doors was lacking, he would not be in a position to exercise his first-order capacity to walk out. In what follows, I shall focus on systematic or structural epistemic occlusions that compromise the exercise of first-order agency, occlusions for which the agents cannot be held responsible. Ideologically acquired beliefs furnish examples of such agency-compromising occlusions. But so does the situation of children living in poverty, who may well be fully willing to apply themselves to their studies but who are unaware of and/or unable to avail themselves of requisite quiet spaces. Or that of high-achieving and ambitious, but low-income, high school students who fail to even apply to selective colleges and universities because they receive little, if any, counseling about how to do so or even that such an option is a real possibility for them (Delbanco 2015: 38–39).

The lesson I draw from such considerations is that a genuine and fair assessment of agency must be informed by the agent’s first-person perspective of what is possible, a perspective that informs expectations about outcomes of intentions to act, the likelihood of success. So, the choices open to one will be a function of one’s “picture of the world.” First-order agency can be compromised in a non-culpable way – in a way that results from a limited hermeneutical horizon for which the agent cannot be held responsible – when a choice that could have been made or an action that could have been undertaken was not made or undertaken solely because the agent was systematically deprived of the otherwise socially available agency-enabling picture.

This suggests that we disaggregate two aspects of agency, its volitional component and its epistemic component. This would imply that a particular case of what may appear to be a lack of agency did not in fact result from a lack of volitional resources per se but rather from a lack of awareness of available courses of action, from epistemic-horizonal limitations. This epistemic component figures centrally in the exercise of what I have called second-order agency, in that the latter entails the ability to acquire the epistemic resources requisite to realizing first-order volitions.

If the conditions for second-order agency are blocked for some due to structural features of the societies in which they live, then it is unjust to demand, and unfair to expect, from them the same exercise of first-order agency as those more favorably positioned. How just is it to expect feats of first-order agency from segments of society bereft of the conditions that most of us can take for granted? It is such external obstacles to the exercise of first-order agency that are typically overlooked in neoconservative and neoimperialist accounts. Given that the sort of case I have in mind here involves a constriction of access to requisite epistemic resources where the agent is not
culpable for that restriction, I take this sort of case – cases where agency is thwarted in a way for which the agent cannot be held culpable – to be an instance of an injustice of an epistemic sort. For here the agent is unfairly blamed for a compromise of agency that is caused by an epistemic occlusion that 1) is not acknowledged and 2) that results from structural factors over which the agent has no control.

It is in this sense that social and economic rights, and the material and epistemic conditions they would procure, can be understood to be conditions of first-order agency, say, of civil and political agency, and for this reason alone we incur the moral-political obligation to attend to such rights. The fact that second-order agency can be systematically undermined in such an arbitrary way means that a credible diagnosis of agential pathology will require a hermeneutic investigation aimed at construing the web of beliefs that agents actually have regarding the range of social options available to them as real and intelligible possibilities. And this diagnostic deployment of hermeneutics is essential to underwriting critical social interventions that are guided by an acknowledgment of the manifest injustice of the odious expectations mentioned just above.

The advantage of my account of agency can be further demonstrated if we use it to address one of the central issues in current discussions of the “adaptive preferences” of deprived persons. In order to avoid what I have criticized as the view that such persons necessarily suffer from agency deficits, and to support the view that they are agents in the full sense, some scholars maintain that such persons are acting in terms of their interests. For instance, recent trends in feminist scholarship that focus on deprivation emphasize a conception of agency that treats “agency as the capacity to make decisions and shape one’s world in accordance with what one cares about, or to act in a way that reveals [one’s] sense of what matters” (Khader 2011: 31). And such thinkers go on to claim that one can understand adaptive preferences to be genuine manifestations of agency in this sense. But this way of highlighting the agency of deprived women seems to lead to a dilemma. This agency dilemma takes the following form: should we see oppressed people as agents whose choices – even if they are life-diminishing or fail to be life-enhancing – are worthy of unquestioning respect or as passive victims who cannot make genuine choices? (Khader 2011: 31) In addition to providing me with a riposte to the “developmentalist’s” charge of agency deficiency, my disaggregating the volitional and epistemic aspects of agency allows me to avoid this so-called agency dilemma lurking in theories of deprivation. And that is because choices that are life-diminishing can be criticized as being “objectively bad” choices without presuming passivity, volitional deficits, or agential culpability on the part of such persons.

An episode from the history of the practice of genital excision in the West is illustrative here. In the twentieth century, a number of Western women chose to undergo clitoridectomies, seeking relief from various “psychopathologies,” where those pathologies may well have been ideologically constituted (Meyers 2000: 475). Insofar as they were ideological in nature, i.e., could be understood to have a strategic provenance, this can be understood to be a case of cognitive deformation where there is the distinct issue of the epistemic injustice done to these women. That is, to the extent that this construal or construction of psychopathology is ideological, we can view this as a case of epistemic injustice rather than insist that such women were passive victims who lacked agency.

Further, the claim that the volitional component of agency lacks defect in cases of “bad” choices is a fully defeasible claim. It follows as a corollary to my use of Locke’s prisoner example that if the prisoner, desirous of freedom, were aware that the door was unlocked and with effort could be forced open, but nevertheless failed to exit, then this – all things being equal – would count as a culpable lack of agency. There can then, of course, be cases of genuine agential deficit, but my point is that we cannot make that discrimination in a meaningful way without the sort of investigation into the hermeneutic/epistemic situation of the agent that I am here advocating.
I now want to claim that the necessary condition for the meaningful application of the expression “culpable agency deficiency” can be understood in terms of what I shall call the requirement of narrative representability. By this I mean that members of the target group of social concern should, in principle, be able to represent to themselves a narrative that will take them in a continuous way without gaps from where they are, in all their concrete circumstances and identities, to circumstances that permit of life-enhancing behaviors. For a life-enhancing avenue for self-actualization to be concretely, that is, genuinely accessible, it must be credible given the concrete material and psychological/epistemic circumstances within which the agent finds him/herself. In that it is the ability to acquire the enabling conditions of action, second-order agency entails a view of the social world that allows for such narrative representability. It entails the epistemic status of holding warranted beliefs about how to bridge the gap between one’s current status and the status that one wills for oneself.

The significance of this “epistemic” component of agency can easily go unremarked as long as its satisfaction can be taken for granted. And for the socially privileged – those for whom its satisfaction is taken for granted, those for whom the bridging of such gaps is effected so fluidly, fluently, and relatively effortlessly that the very existence of such gaps, and hence of the requisite epistemic tools for bridging them, goes virtually unnoticed – the requirement of second-order agency is itself invisible. At its limit, privilege just is the luxury of being unaware of the apparatus linking volition to effect. It is a condition of blissful hermeneutic oblivion and, as such, of a distinctive modality through which epistemic injustice can be committed.3

The apparatus linking volition to effect – i.e., the enabling condition of agency in the first-order sense – has both a more or less purely epistemic dimension (consisting of both propositional and practical knowledge) and a concrete material dimension. By the latter, I refer to enabling infrastructures. An agent’s cognitive relationship to them will manifest itself in that agent’s local social ontology or “picture of the social world.” Acknowledging this will encourage us to attend both to the social availability of resources and options and to cognitive attitudes towards social availability simultaneously. Access to and knowledge of how to exploit such an apparatus is a second-order capacity.

The significance of this apparatus and of the social ontology in which it is embedded and disclosed is strikingly apparent when we examine the touchstones typically deployed in neoconservative commentaries on agency. In such commentaries, the idea of “the unaided accomplishment of individual persons” serves as the idealization that informs assessments of agency (Loury 1985: 25). The most reasonable interpretation of this expression is that it refers to an accomplishment requiring no aid beyond what most members of a given society can reasonably take for granted given that society’s material and intellectual resources. Think of these as the “normal conditions” that establish the baseline beyond which accomplishment can meaningfully be viewed as aided in the requisite, and here pejorative, sense. Whether they are acknowledged to be so or not, these normal conditions are enabling conditions, enabling conditions that are not created by anyone’s individual effort alone. In this context, the question I have been pursuing is: why then charge individuals with agency deficiency when, through no fault of their own, these normal conditions do not obtain for them? Why insist that the least advantaged among us bear the additional burden of “proving” themselves under conditions which most of us do not have to face? This is to question the fundamental consistency, not to mention justice, of expecting, as a matter of social policy, feats from one segment of society that most members of that society are not required to perform. This would be tantamount to burdening some, and invidiously so, with the demand to display supererogatory volitional powers.

Now, this interpretation of “unaided accomplishment,” where its use implicitly presupposes that background normal conditions have been satisfied, implicitly treating them as “givens,”
leads to the following paradox. Social policies whose aim is to ameliorate material conditions and thereby to increase the scope of intelligible options for all -- to assure that those conditions and options reach the threshold of “normal conditions” -- are viewed as a form of aid in the pejorative sense, while achievements made on the basis of (preexisting and unacknowledged) normal conditions -- the “standard” case -- are not so viewed. This means that one would be said to have been aided in the relevant negative sense if, absent the normal conditions, one is subsequently provided them, but that one would not be said to have been so aided if one in some sense “inherited” those conditions (scoring a triple in virtue of having been born on third base). Once we have acknowledged the role of normal conditions in human agency, how can a meaningful moral distinction be drawn between cases where normal conditions are in force prior to volitional effort and cases where those conditions are set in place after such effort, especially where we stipulate that the agent in question bears no responsibility for the conditions or the lack thereof? What justification can be given for this view of what does and does not count as unaided accomplishment and agential lack should be drawn and to justify drawing it there.

If what I have argued above is sound -- i.e., that the aid enabling the “unaided” accomplishments of the well-positioned is hidden, while for the poor it is simply lacking -- then there is a gap between what existing social systems make available and where the poor, even by their own best efforts, find themselves, a gap that cannot be bridged in the narratives that they can represent to themselves. Granting equal opportunity alone to individuals handicapped by the disadvantage of being non-culpably bereft of the normal conditions of agency does not constitute meeting them where they are, or, as one commentator has recently put it, “people at their point of need.” For many will lack the wherewithal to make use of those meeting opportunities, will lack what is crucial to productive effort, to agency in the full sense.

Hermeneutic oblivion is one source of epistemic injustice. Another -- and one that illustratively emphasizes how second-order agency is a distinctive capacity -- is the refusal to acknowledge the interpretive agency of those at society’s margins. The fact that our knowledge of the social world has an essentially interpretive nature has deep implications for our ability to exercise social agency. Our failure to acknowledge this fact and its implications can render persons vulnerable to a crippling form of epistemic injustice, to a violation that is distinctively hermeneutical in nature. This fact entails that the social world, its ontology and salient relations, is disclosed to social agents as configured in a specific and distinctive way. And the mode of its disclosure -- the particular social phenomena, practices, and relations that can be meaningfully acknowledged in its terms -- can determine the scope of our ability to intervene in that world, our social agency. This signals the importance of agency-enabling disclosures, of there being socially acknowledged interpretations that enable genuine agency in that they enable one intelligibly to “name” a problematic social experience and to respond accordingly. I have elsewhere referred to the acknowledgement of such an interpretation as the recognition of its semantic authority. Public acknowledgement places at a putative agent’s disposal semantic resources for active response by allowing for the publicly acknowledged disclosure of the “what” to which a response is required.

The significance of this cognitive component of agency -- that is, the access or capacity to name that which one’s action is to address -- underscores the importance of democratically pursued conversational negotiation of interpretive frameworks for representing and articulating social experience. That the appropriate semantic resources are in place for interpreting social life then requires a specifically hermeneutical form of agency whose restriction is tantamount to yet another form of epistemic injustice, the injustice of arbitrarily restricting our ability to interpret reality in empowering ways. And this hermeneutical agency, activated in the struggle to win semantic
authority for empowering social interpretations, is logically prior to the first-order social agency that depends upon it for its focus. The phenomena that we now describe as sexual harassment, “acquaintance rape,” and police brutality can serve to illustrate this. The agency with which women and blacks, respectively, are able to oppose such practices is directly proportional to the semantic authority that such descriptors have, that is, to the extent to which, for instance, “sexual harassment,” “acquaintance rape,” and “police brutality” are socially acknowledged as predicates that can be meaningfully applied to social experience. In this sense, the failure to protect the free exercise of this interpretive capacity – protection that is crucial for sustaining social and political agency – is itself an epistemic injustice. 6

Related chapters: 3, 7, 9, 12, 25

Notes
1 The affirmative invocation of the “culture of poverty” thesis by former vice-presidential candidate Paul Ryan in 2014 and the even more recent deployment of it in a New York Times column in May of 2015 (I make reference to this below.) are evidence of the continuing currency of this idea.
2 There are, of course cases where agency is inculpably compromised not because of a lack of awareness of options but rather when there is a veridical awareness of a lack of options. Though the remedies will differ, in both cases a fair assessment of agency will require hermeneutic access to the agent’s web of beliefs.
3 This oblivion is a symptom of the epistemic gap between the first-person perspective of the agent and the third-person perspective of the judging observer, and it can assume at least two forms: oblivion to the perhaps inculpably compromised hermeneutic horizon of the agent and/or to the unjustly distributed material resources that occasion the unacknowledged true beliefs such an agent may have about that unjust distribution, i.e., the agent’s realization that “the game is rigged.”
4 See also Nagel (1979: 92–93).
5 The account of semantic authority that I invoke here can be found in Simpson (2001: 103, 110–111, 114). See also Fricker (2007: 147 ff). My account presumes that the scope of recognition demanded by newly emergent interpretations is more general than is apparent in Fricker’s treatment.
6 Here I am referring to necessary, but of course not sufficient, conditions of agency. For an agent may well recognize, say, that she is being sexually harassed but may nevertheless find herself unable to actively counter it because of her other beliefs concerning socially available options.

References