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SURVIVING EVILS AND THE PROBLEM OF AGENCY

AN ESSAY INSPIRED BY THE WORK
OF CLAUDIA CARD

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Abstract: Claudia Card did not live long enough to complete her work on surviving evils. Yet she left us an invaluable body of work on this topic. This essay surveys Card's views about the nature of evils and the ethical quandaries of surviving them. It then develops an account of survival agency that is based on Card's insights and in keeping with the agentic capacities exercised by Yezidi women and girls who have escaped from ISIS's obscene program of trafficking in women and sexual violence. Card holds that true survival requires not only staying alive and as healthy as possible but also preserving your good moral character. The essay maintains that while exercising agency to elude evil and protect yourself often depends on your own skills and personality traits, exercising agency to restore or develop your moral character often depends on social support.

Keywords: agency, autonomy, Claudia Card, evil, survival, Yezidi, ISIS.

Before her death Claudia Card had published two volumes of an intended trilogy on evils—*The Atrocity Paradigm* and *Confronting Evils*. The last volume of the trilogy was tentatively entitled *Surviving Atrocities*. I share Card's abiding interest in questions about horrific, humanly inflicted abuse—especially questions about victims, questions about contending with and recovering from abuse, and questions about preventing or, more realistically, reducing the magnitude and frequency of future abuse. So when Robin Dillon first invited me to contribute to this journal issue, I immediately knew what topic I wanted to work on: Card's most recent, alas unfinished, work on surviving.

As I now take up the task of thinking through her work and trying to build on it, my choice of this topic makes sense to me in a more allusive way. Perhaps one of the attractions of the topic for me was and is its association with the value I place on the survival of Card's

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remarkable and deeply personal philosophical legacy. One of the hallmarks of Card’s approach to philosophical problems was to bring her personal experience to bear on them. Although she took the Holocaust as a paradigmatic case of evil, she knew other evils that she analyzes first-hand—namely, poverty, homophobia, and misogyny. As this list shows, Card didn’t think evils were necessarily exceptional or temporally finite episodes in human history. On the contrary, she taught us that some evils are commonplace and persist in liberal democratic societies. This shocking ubiquity magnifies the urgency of the topic.

In this essay, I turn first to Card’s views about victims and victimizers, then to her account of surviving evils, and in the final three sections to some thoughts about autonomy and agency that extend her thinking. My hope is that these reflections will prompt others to explore and benefit from Card’s philosophical methods and insights.

1. A Grim Triad—Victims, Evils, and Survival

Card has always rejected the view that victims are helpless or passive, and she has maintained that philosophical discussions of evil must pivot on the perspective of victims, not that of the perpetrators (2002, 10–11; 2012, 37, 44). A victim, she says, is a “target or recipient of harm,” not an identity, not a state of abjection, not a pitiful response to aggression (2014, 27). This is so clearly true, yet so often overlooked when victims are derogated or shamed. In perverting the concept of a victim into an ignominious condition that any self-respecting person ought to shun, we compound the harms that others inflict on them by depriving them of their standing to demand justice. Moreover, we suppress a major source of knowledge regarding the many and varied meanings of the suffering they have endured by sidelining them and silencing their testimony.¹

Of course, there are many kinds of victims, even if we limit our purview to those who suffer wrongful, humanly inflicted harms. But Card’s work is concerned specifically with victims of evils. In her most recent formulation, Card defines evils as “reasonably foreseeable intolerable harms produced (maintained, aggravated, supported, and so on) by inexcusable wrongs” (2014, 23). Not every evil is an atrocity. Atrocities are evils marked by exceptional cruelty or degradation (2014, 24). Not every injustice is an evil. Some injustices inflict harms that are tolerable (2014, 25). Natural disasters can become evils when people inexcusably refuse to alleviate the intolerable harms they cause (2014, 24). So Card’s interest in surviving evils concerns the problems posed by coping with harms that it is outrageous anyone should have to endure (the

¹ For detailed discussion of the value of attending to victims’ stories, see Meyers 2016.

intolerable harm component of evils) and that humans have caused in 1
reasonably foreseeable and inexcusable ways (the human-agency com- 2
ponent of evils). 3

Because there are many kinds of evils, surviving evils isn't a single 4
phenomenon. Evils can be deeds, practices, social structures, or envi- 5
ronments. Thus, duration is one way in which evils differ, and duration 6
affects the possibilities for survival. In one sense, a victim survives an 7
evil if she outlives it (Card 2016a). In another sense, a victim is surviv- 8
ing an evil if it hasn't defeated her so far (2016a). Because some evils 9
end, some victims outlive them. Because others perdure, most survivors 10
of these evils only withstand them, seldom, if ever, leaving them 11
behind. 12

The differences among evils notwithstanding, Card identifies two 13
dimensions of surviving that pertain to all of them. On the one hand, 14
we speak of surviving—a verbal form that references a diachronic 15
active process. Card calls this “skilled survival.” Skilled surviving 16
requires a victim to be clever in discerning evasive stratagems and self- 17
protective options, resolute in acting on those that prove beneficial, 18
and quick to notice and abandon those that don't (2014, 25). On the 19
other hand, we speak of survival—a nominal form that suggests a state 20
of being. She calls this “remainder survival” (2012, 38).² Remainder 21
survival concerns valuable attributes, such as health and good charac- 22
ter, which endure despite the victim's ordeal. 23

It is possible for skilled and remainder survival to coincide. In the 24
course of shrewdly saving yourself, you may have also saved others and 25
thus preserved your integrity and sense of decency. But it is also possi- 26
ble for skilled and remainder survival to come apart. In the course of 27
shrewdly saving yourself, you may heap misery on other victims and 28
suffer tormenting, unremitting guilt and self-hatred as a result. There 29
are countless permutations—as many as there are evil forms of victim- 30
ization, victimized individuals, and survival strategies. 31

Card catalogues a selection of these permutations to be found in the 32
post-Holocaust literature (2012, 45–49). A few heroes come through 33
with clear consciences and intact bodies and minds (2012, 40, 46). 34
Most survivors are left morally or personally scarred in some way or 35
other. Thus, surviving is a matter of degree (2014, 25). Moreover, there 36
are numerous scales on which victims may survive to one degree or 37
another. Some survive their complicity with perpetrators by plunging 38
into denial and self-deception, by losing themselves while retaining 39
their bodily health (2012, 45–46). Others survive such complicity by 40
bearing witness to what happened, by exposing their own deeds and 41
the harms other victims suffered (2012, 47–48). Some survivors do not 42

² In an earlier paper, Card calls this type “preservation survival” (2012, 37). 43

live out natural lifespans—they commit suicide (2012, 49). Surviving, Card observes, may not be the ultimate good for every victim. True survivors and completely successful survival are rare.

Throughout her discussions of survival, Card takes care to juxtapose the duality of skill and luck. Although skill often plays a role in whether or not a victim survives, good or bad luck is always a factor (2012, 37; 2014, 27). Unless chinks in the administrative and material mechanisms of evil open, victims cannot mobilize know-how and courage to diminish or elude the harms being visited upon them. No doubt luck also plays a role in the allocation of inner resources—talents and traits of character—that enable some to profit from propitious opportunities and that prevent others from doing so. But sheer luck is sometimes all that separates survivors from victims who don't make it. Some Holocaust victims who were lucky enough to be hidden until Hitler's military was near defeat were also lucky enough to be rescued as the Allied armies advanced through Eastern Europe and into Germany.

Because some evils are ongoing, seemingly permanent features of social relations, some survivors are never out of danger. For many people born into what Card calls "aggravated subsistence poverty," there is little or no chance of escaping from poverty morally unscathed. Although good fortune occasionally presents an escape route—for example, a subsidized education or a career in the military—it's necessary to bear in mind that nothing guarantees that any particular victim of aggravated subsistence poverty will be able to take advantage of such socially condoned opportunities to escape (2014, 29, 35; also see 2016c). Many victims are doomed to ceaselessly "tread water" (2014, 27). Beset by severe deprivation, their lives and health are never secure, and their moral character is frequently at risk. Misogyny and homophobia are also persistent evils, but, unlike poverty, they currently offer no exit options, only coping options.

2. Survival Tactics

Taking a cue from Primo Levi, Card calls the contexts in which many, perhaps most, victims of evils are compelled to live "gray zones" (2002; 2012; 2014). Three characteristics demarcate gray zones:

1. Their inhabitants are victims of evil.
2. These inhabitants are implicated through their choices in perpetrating some of the same or similar evils on others who are already victims like themselves.
3. These inhabitants act under extraordinary stress. (2000, 517; 2002, 224)

In a gray zone, perpetrators offer some victims privileges—power and surcease—in exchange for their complicity in inflicting intolerable harms on others. The targets of these offers must decide whether to accept them in the midst of “intense or prolonged fear for basic security or their very lives or for the lives or basic security of loved ones” (2002, 224).

The infamous dilemmas that Nazi death camp officials imposed on certain inmates are well known. March fellow victims to the “showers” or die right now (2012, 47). Assist with Josef Mengele’s “experiments” and send extra food to your wife and daughter or die with everyone else (2012, 48). Each case of complicity in the camps, each amalgam of evil and innocence, differs from every other—in the agent’s motives and willingness, in the nature of the harms perpetrated by the agent, in the agent’s ability to sabotage camp operations, and so forth (2000, 518–19; 2002, 226–27).

For Card, the ambiguity saturation of gray zones raises ontological questions about the intelligibility of agents’ choices within our standard framework of deliberation and decision making and also about the adequacy of our moral vocabularies to assessing these choices. It seems, as she puts it, that victims of evil can only “grope” through gray zones, and that moral philosophers seeking to grasp the moral significance of their predicaments and actions must grope as well (1999, 16). Surviving evil is never a sure thing, and the ethics of surviving is seldom clear-cut. Yet, Card emphasizes that many of the inhabitants and survivors of gray zones hold fast to moral categories, even as they are forced to navigate opaque, terrifying situations and to look back in anguish on their actions in them (2000, 519).

As I said earlier, Card devotes a great deal of attention to the victims of homicidal Nazi bigotry, for the Holocaust surely epitomizes evil. But she probes a number of other forms of evil and analyzes the action spaces into which they insert victims, including slavery, misogyny, homophobia, and poverty.³

Misogyny is an evil that has everyday forms, such as spousal abuse and sex trafficking, and spasmodic forms, such as outbreaks of mass rape during armed conflict (2000, 513). Sieges of misogynist battery and sexual assault trap women in gray zones. A woman who has been humiliated and beaten by her partner month after month may stand by while her assailant beats, molests, perhaps kills her child. In desperation, some battered women resort to killing their abusers when they are defenseless—for instance, while they are asleep. Women who have been trafficked into sex work and mercilessly forced to perform sexual

³ Card’s discussion of surviving slavery is slight compared to her discussions of surviving the Holocaust, misogyny, homophobia, and subsistence poverty. Thus, in this essay I focus on her remarks about surviving the latter four evils.

services for clients sometimes “rise through the ranks,” becoming
 madams and trafficking in women themselves. Women repeatedly raped
 by enemy combatants sometimes abandon or kill the babies they con-
 ceive and bear in hopes of resuming their lives as “respectable” women
 in their communities of origin. Brutal expressions of misogyny beget
 survival strategies that may require wit or courage but that often doom
 survivors to lifelong shame and self-reproach, if not to prosecution and
 prison.

Inspired by Jeremy Waldron’s work on hate speech, Card argues
 that homophobia constitutes an evil environment in which hate crimes
 normalize the hate of haters and recruit new haters, all the while
 depriving LGBTQ victims of the good of “a sense of security in the
 space we all inhabit” (2016a). As a result of this “toxic environment,”
 LGBTQ individuals are highly vulnerable to violence, including sexual
 assault, torture, and murder, and disproportionately vulnerable to sui-
 cide. To protect themselves, therefore, victims may hide in the closet,
 pass for straight, or form separatist communities (2016a). But none of
 these strategies is foolproof, for exposure is always a possibility. All
 carry substantial moral costs, for habits of deception in hazardous
 spaces undermine spontaneity and candor in safe spaces, too. More-
 over, pursuing these strategies may lead victims to betray one another,
 as laughing at homophobic jokes, voicing homophobic sentiments, or
 outing other LGBTQ individuals may reinforce the credibility of a vic-
 tim’s masquerade. Still, coming out can incur major costs, including
 loss of livelihood and loss of friendships or family ties, not to mention
 being targeted for hate crimes.⁴ Like the evil of misogyny, homophobic
 environments create double binds that turn survival into a core project
 for victims and prevent them from surviving without sacrificing their
 integrity or their well-being.

To many, poverty seems like a consequence of irresponsibility or
 laziness, but Card maintains that subsistence poverty is often an evil:
 “Poverty that results from injustice is an evil when its inexcusable dep-
 rivations are not survivable without jeopardizing its victims’ humanity
 or when it makes survivors deeply ashamed of their lives” (2014, 30).
 Here, too, the elements of a gray zone converge. An evil renders its vic-
 tims radically insecure, thereby putting them under extraordinary stress
 that in turn may lead victims to act in morally compromising ways in
 order to survive. Some of those strategies take advantage of people
 who are well off, but many of them prey on other victims of severe
 poverty.

⁴ Card writes mainly from the standpoint of the post-closet era in many parts of the
 United States. However, she documents a practice known in South Africa (where gay
 marriage is legal) as “corrective rape,” and homosexuality remains illegal and persecuted
 in much of the rest of Africa and in Russia.

Writing from the standpoint of her childhood experience of poverty in rural Wisconsin, Card sketches a range of “survival challenges” associated with subsistence poverty, including poor nutrition, poor health, poor housing, and long hours of work (2014, 33–34). Mired in these compound hardships, the needs of people living in subsistence poverty often exceed their ability to pay for them. Thus, they “learn to manipulate others” (2014, 33). Similarly, poverty schools you in the arts of dissembling to conceal weaknesses or make excuses (2014, 34). Gradually, you may become inured to others’ disdain for your unreliability and dishonesty. Being criminalized is a further risk of living in subsistence poverty. If an unexpected turn of events, say, a health crisis or unemployment, leaves you with a financial deficit, the risk of criminality looms large. As Card puts it, “You ‘borrow’ without asking” (2014, 34). Likewise, people living in such extreme and persistent poverty are at risk of losing their homes and becoming homeless. The added vulnerability that comes with life on the streets may persuade you to acquire a weapon. But your weapon puts you in danger of seriously injuring, perhaps killing, someone and thus in danger of being prosecuted and punished if the verdict goes against you (2014, 33). Agents taking measures to survive the privations of severe poverty may end up snared in a downward spiral of crime, incarceration, stigma, and further crime.

In the case of the Holocaust, the remedy (if we can speak of one for that state-sponsored mass-murder juggernaut) was the surrender of the Axis powers in Europe, the closing of the camps, and the provision of humanitarian aid and reparations to the victims. The evils of misogyny, homophobia, and subsistence poverty are different. They exist worldwide, and there is no concerted, multinational campaign to conquer them. Because Card doubts that any determined effort to eradicate dire poverty will emerge any time soon, she asks what would enable victims of this evil to avoid the traps and temptations embedded in it. In other words, “what would significantly enhance both skilled and remainder survival” for the poorest of the poor? In Card’s view, fostering hope is key: first, by ensuring the health of children and adequate care for them and, second, by protecting impoverished individuals from violence and criminalization (2014, 36–37). If people living in subsistence poverty were not hopeless, Card reasons, they would be able to focus their survival skills on taking advantage of available educational and occupational opportunities, and surviving would not condemn them to a remainder of shame, denial, or self-deception. Perhaps a parallel set of recommendations could be developed to alleviate the harms of misogyny and homophobia. But in the case of homophobia, Card recommends political activism and cultural interventions to detoxify the environment (2016a). Although I’m sure she would also advocate political activism and cultural intervention to defuse misogyny, in *The*

Atrocity Paradigm she opts (surprisingly) to offer a suite of “fantasies” (2002, 132–35). That she takes refuge in fantasy in this regard strikes me as an excellent gauge of her assessment of the remoteness of any effective remedy for the abuses of misogyny in the patriarchal world we’ve inherited.

Clearly, nonvictims have obligations to agitate for policies and practices that bring a halt to evils or that at least diminish the gravity and the reach of the damage they cause. Is there anything to be said about the possibilities for victims to exercise their agentic powers in ways that might be conducive to truly surviving? I’ll begin by offering some observations about autonomy and agency in section 3. Then, in section 4, I consider whether a conception of survival agency might be constructed based on Card’s work on surviving evils.

3. Autonomy and Agency

The concepts of autonomy and agency are a bit slippery partly because of their close relationship and partly because they are terms of art. For the most part, philosophers of action use the terms *autonomy* and *agency* interchangeably to refer to self-governance or self-determination. Minimally, then, autonomy and agency consist of the capacity to act intentionally. When social scientists identify agency with the capacity for independent action, they sometimes mean to adopt this philosophical conception, but sometimes they mean to contrast agentic action with action governed by social structures. The latter injects the elements of power and resistance into the concept of agency. Along these lines, some philosophers and social scientists, usually those pursuing a progressive social and political agenda, adopt a stronger view of agency. They invoke the concept of agency to reference an individual’s or a collectivity’s capacity to move regnant institutions, norms, and practices toward greater justice. This conception departs from most philosophical accounts of autonomy, for accounts of autonomy typically focus on explicating the capacity to act on your desires and values (in some accounts, your authentic desires and values) and to disregard whatever capacities might be needed to bring about positive social change.

Feminist moral and political philosopher Serene Khader modifies and blends the two conceptions of agency that I’ve just sketched. According to Khader, “We may think of agency as the capacity to make decisions and shape one’s world in accordance with what one cares about” (2011, 31). To the minimalist view from philosophy of action Khader adds the thought that agency requires that the individual is making choices that enact values and goals that matter to her and align with her interests, in contradistinction to desires and goals

she simply happens to have. In this respect, Khader's conception overlaps with accounts of autonomy that require that the motivations for your conduct be authentically your own. It is uncertain, however, whether Khader embraces the strong view of agency that incorporates the power to influence the course of large-scale events or the structures undergirding social relations. Although her account of agency includes the capacity to shape your world, this capacity might be construed in a quite narrow way such that a woman who is capable of rejiggering her domestic relations so as to put a stop to being beaten at home would count as exercising agency. After all, a person's experiential or proximate world may be quite small.

I would concur with this restrained understanding of the relation between agency and social influence. The ability to have a localized, domain-specific, advantageous impact on your social environment suffices, I think, for agency, because the alternative of requiring the capacity to impact society in grander ways would implausibly deagentify too many people. But I would stress that this view of agency does not coincide with prevailing views of autonomy, which are value neutral or nonsubstantive. Only the most prescriptive, substantive accounts of autonomy—those that require autonomous individuals to act in morally admirable ways, in self-respecting ways, or in ways conducive to their own flourishing—coincide with this conception of agency.

I turn now to another line of thought found in Khader's work and in other recent work on women and oppression. This line of thought complements the view of agency I've just endorsed and also diverges from most accounts of autonomy. Whereas theorists of autonomy may distinguish between personal and moral autonomy, they often argue for the continuities between them.⁵ In contrast, theorists of agency routinely speak of agencies rather than agency and underscore the differences among diverse types of agency.

Disparate settings define some types of agency—for example, political agency and sexual agency. Political agency concerns an individual's ability to participate in democratic processes by exercising rights, by organizing or joining social movements, or by agitating for a cause by some other means.⁶ Sexual agency refers to control over your participation in possible sexual encounters, including your consent or refusal to engage and your choices about erotic activities and safety precautions.

⁵ Philosophers also recognize economic autonomy and autonomous states; however, discussions of these concepts have rather tenuous connections to discussions of personal and moral autonomy.

⁶ In some contexts, notably in political science, political agency refers to the relationship between constituents and their elected representatives. The latter are cast in the role of agents—individuals who act on behalf—of the former.

Particular objectives define other types of agency. For example, 1
 Khader distinguishes welfare agency from feminist agency. Whereas 2
 welfare agency is the ability to enhance your own welfare, say, by 3
 obtaining better nutrition or adequate health care, feminist agency is 4
 the ability to “identify and change sexist norms” (Khader 2014, 224). 5
 Similarly, Alisa Bierria distinguishes transformative agency from insurg- 6
 ent agency. Both are types of resistance to oppression. Insurgent 7
 agency, however, “temporarily destabilizes, circumnavigates, or manipu- 8
 lates [oppressive] conditions in order to reach specific ends” (Bierria 9
 2014, 140). In contrast, transformative agency aims to “overturn condi- 10
 tions of systemic oppression,” often by working jointly with likeminded 11
 others (139). If I’m not mistaken, Bierria’s insurgent agency has much 12
 in common with Khader’s welfare agency, and Bierria’s transformative 13
 agency parallels while also expanding on Khader’s feminist agency. 14

This relation between transformative agency and feminist agency 15
 might raise the question of whether both Bierria and Khader are man- 16
 dating the strong account of agency I rejected. But I doubt that their 17
 positions are vulnerable to the charges of grandiosity and undue exclu- 18
 sion that persuade me to adopt a more moderate conception. Provided 19
 that Khader would acknowledge the piecemeal changes in gender 20
 norms that women create one household, one workplace, or one rela- 21
 tionship at a time to be expressions of feminist agency while also 22
 acknowledging that effecting major legal or cultural changes in gender 23
 relations is an expression of feminist agency, I see no problem with her 24
 view. Provided that Bierria regards transformative agency as one form 25
 of agency among others that are less demanding, as she clearly does, I 26
 see no problem in recognizing transformative agency as one type of 27
 agency. 28

Discussions of agency suggest that some types presuppose some 29
 degree of publicly secured or self-appropriated empowerment. Thus, 30
 people who have no right to vote, no right to seek public office, and no 31
 right to organize around political issues lack political agency. In such 32
 repressive circumstances, only those courageous individuals who are 33
 powerfully motivated by steadfast political commitments snatch politi- 34
 cal agency out of the grip of the authorities and disobey the law to 35
 promote their political goals. Despite official denial of their rights, 36
 Nelson Mandela exercised political agency under apartheid and Martin 37
 Luther King Jr. exercised political agency in the Jim Crow South. 38

Similarly, women lack sexual agency if they cannot exert control 39
 over whether they have sex, whom they have sex with, whether they or 40
 their partners use contraception, and which sex acts they perform. 41
 Women who have been trafficked into sex work have little, if any, sex- 42
 ual agency. The sexual agency of girls who don’t use contraceptives for 43
 fear of alienating their male partners or appearing to be loose women, 44
 thereby risking unwanted pregnancy at a young age, is severely 46

compromised (for discussion, see Stoljar 2000). But many women seize sexual agency by refusing to engage in anything but mutually respectful forms of intimacy and insisting on choosing partners of whichever gender(s) appeal to them. Just as empowerment is a matter of degree and depends on social as well as individual resources, so too these types of agency are a matter of degree and vary depending on socially conferred options as well as personal gifts and traits of character.

Some types of agency are aimed specifically at gaining empowerment either temporarily in order to cope with a particular situation—Bierria’s insurgent agency—or long-term by bringing about emancipatory social change—Bierria’s transformative agency. In this connection, however, it is important to bear one of Khader’s points in mind. Empowerment in one domain, such as access to basic necessities, does not entail empowerment across the board, such as achieving greater gender equality. Welfare agency and feminist agency can come into conflict, as can insurgent and transformative agency.

4. Survival Agency?

Any conception of survival agency befitting Card’s theory of evils must secure victims’ ability to act so as to preserve their lives and prevent their health and character from collapsing into irremediable disrepair. Yet because gray zones are designed to rob victims of precisely these capacities, few could exercise survival agency unless they had auxiliary capacities. For example, victims of evils need the capacity to identify an alterable feature of the situation in which they are confined, together with the capacity to alter it in a life-, health-, and character-preserving way. Alternatively, they need the capacity to spot fissures in the evil regime together with the capacity to reposition themselves in less dangerous sites within those regimes. Each of these modes of survival agency belongs in Bierria’s category of insurgent agency. Whatever victims may accomplish stops way short of vanquishing the evil, and the benefits gained by exercising these forms of agency are always at risk of reversal unless or until the evil is brought to an end. In a moment, I’ll say why I think that survival agency should prioritize personal survival over moral survival. But first I take up Card’s views about surviving and morality.

At first blush, it seems that Card would classify survival agency as a species of moral agency, for she holds that moral remainder survival is a necessary component of true survival. In Card’s view, this dimension of survival requires victims to preserve or improve their moral character. Since many victims of evil never lose their moral compass, this requirement does not seem patently unreasonable. Although their strength of conscience may prove to be deleterious to their health

remainder survival, it may be advantageous to their moral remainder survival.

Still, Card acknowledges that, driven to desperation, victims of evils may lose their grip on ordinary categories of right and wrong. Her accounts of the evil of subsistence poverty and the evil of homophobia underscore, for example, how evils can sabotage honesty. Nonetheless, because survival is a matter of degree and relative to different domains, a victim's commitment to moral norms might remain fairly strong in her family relations but deteriorate significantly in her relations to others. Moreover, morally impaired victims are not barred from exercising skilled survival agency, for skilled survival need not be constrained by moral norms.

To truly survive an evil (or multiple intersectional evils), you need to be able to refrain from courses of action that would undermine your morally desirable attributes. Because reducing agency to acting intentionally neither identifies the aims of survival agency nor acknowledges the moral dimension Card imputes to survival, this conception is too general and too thin to accommodate her view.

Yet, inflating agency into a capacity to mitigate or halt current evils or to prevent future evils seems to put a greater onus on victims to solve historically intractable social and economic problems than Card would countenance. Throughout, Card's work demonstrates her sensitivity to the appalling quandaries in which evils embroil victims, along with her attentiveness both to the ways in which evils can drag victims into the moral muck and to the ways they can spur victims to feats of bravery or altruism that defy the most forbidding obstacles. Invariably careful not to gloss over the unsavory side of human psychology and alert to the unyielding constraints that evils impose on victims, Card would, I believe, favor a view of survival agency that is no less cognizant of those factors.

Khader's modest, but more than minimalist, account of agency is promising as a starting point from which to work out a conception of survival agency that Card could endorse. Recall Khader's view: agency is "the capacity to make decisions and shape one's world in accordance with what one cares about" (2011, 31). As a general rule, it is safe to assume that people care about their access to basic necessities, including safety as well as subsistence goods. If so, it stands to reason that remainder survival with respect to life and health matters to them. However, whether or how much people subjected to the extreme danger and the double binds of gray zones also care about their good character might vary quite a bit from person to person and/or depending on the type of evil that's been foisted on them.

In this regard, Card goes so far as to acknowledge that as a result of a (very unlucky) childhood attachment to a morally defective caregiver and the persistence later in life of the malign effects of that

attachment, a person can develop a practical identity constituted by badness and hence desire to act under the guise of the bad (2016b, 52–54). This concession to the impact of inadequate childrearing notwithstanding, Card argues against the claim that moral remainder survival is dispensable for victims of evils. That is, she rejects the view that this aspect of survival is more a luxury than a need when a person is trapped in a gray zone (2012, 49–50). In what follows, I'll urge (1) that it's highly speculative whether a victim's good character will be permanently shattered or will be amenable to repair in the aftermath of an evil or at some point during a seemingly ineradicable evil, and (2) that victims often cannot repair their moral character on their own. In my view, this uncertainty and interdependency have implications for theorizing survival agency.

I'm not at all sure what causes character erosion or ruin. Card describes cases in which victims' moral character seems to have been irreparably damaged and cases in which victims' moral character seems to have survived despite their ruthless survival maneuvers. Indeed, she also presents the case of a Polish Catholic man who had a history of thievery and incarceration, but who brought food and other supplies to a Jewish family he discovered hiding in the sewers of Lvov during the Holocaust and who improved his character in the process (2016c). Some people adhere staunchly to moral precepts regardless of circumstances; some people totally abandon moral considerations under pressure; some people rise to the occasion and become newly committed to leading morally good lives.

To account for such divergent outcomes, Card suggests that luck is a significant determinant of a victim's ability to sustain or build a good moral character. If she is right that luck is so salient a factor in this regard, no taxonomic system for classifying survival tactics according to whether or not they are compatible with the remainder survival of the victim's good character would be tenable. For this reason, and also because I think the probable outcome for a victim's character is one of the profoundly disturbing imponderables of gray zones, I'm convinced that it's not so clear after all that survival agency must be a species of moral agency.

As I mentioned earlier, Card argues that becoming involved in criminal activities, which in many cases are conducted in partnership with criminal organizations, is one of an assortment of potentially noxious consequences of the evil of severe poverty.⁷ Yet, it is well known that codes of honor function within criminal gangs that specialize in a

⁷ It goes without saying that many people organize or join criminal enterprises for reasons other than trying to escape from or at least cope with the evil of severe poverty. My comments in this essay are restricted to those individuals who pursue careers in crime as a strategy for surviving this evil.

variety of despicable but profitable enterprises. Likewise, it is well known that, despite the odds against them, some poverty-stricken youths who've been recruited into these organizations eventually break free and subsequently lead morally commendable lives. Although their initial survival strategy underwrites a constricted and distorted rectitude that is dictated by the conduct code of a particular criminal organization, later on they construct a survival strategy that fully satisfies Card's moral remainder criterion of true survival.

An analogy with the prospects for combat soldiers' postwar moral character is helpful here. I am not confident that the prospects for soldiers who have seen combat are any better or worse than the prospects for ex-gang members or, for that matter, for victims of evils more generally. Although serving in the military is a socially sanctioned form of employment, undergoing horrific hardships and performing horrific acts on the battlefield stretch many soldiers' moral fiber to the breaking point. Some evils plunge victims into circumstances that resemble the unpredictability and ferocity of war zones and that generate demands that resemble the extremity of those made on soldiers in the midst of warfare. Since soldiers' ability to recalibrate their values and motivational systems to civilian life seems to depend in part on the availability of post-service support systems for veterans, it seems likely that the same holds true for former gang members struggling to lead law-abiding lives. If so, access to such assistance should not be a matter of luck but rather should be guaranteed as a matter of justice.⁸

Good moral character seldom survives and flourishes in a social vacuum, and in the aftermath of evil or in the process of escaping from evil, social scaffolding can make the difference between some victims' renewed or newly fashioned good moral character and others' weakened or warped moral character. In this vein, Card acknowledges that control over their future moral character may not be within individual victims' agentic power. In some cases, she notes, access to mental health care can be decisive with respect to a victim's success in constructing a good moral character or surrender to a bad moral character (2016c).

In light of this relational dimension of moral remainder survival and the possibility that others will come forward to assist victims in restoring or reconstructing their moral character, I'm inclined to discount how much jeopardy a victim's character is in when she's consumed by the need to try to survive an evil. If this is a sensible concession to the severity of intolerable harms and to the resilience of moral character in

⁸ Sometimes families and friends provide support systems that are adequate to combat veterans' and former gang members' needs. But when such informal support isn't available or isn't sufficient, society must establish and secure access to institutionalized support systems that answer to the needs of these individuals.

supportive social contexts, it follows that a defensible account of survival agency should prioritize skilled survival and remainder survival with respect to life and health over remainder survival with respect to moral character. In many cases, I conclude, victims of evils can postpone addressing the state of their moral character until after an evil is past or until they get a respite from a nonterminal, possibly interminable, evil or access to whatever support services they need.

5. Surviving Trafficking and Sexual Violence

Few if any periods of human history have been free of the evil of mass sexual violence during armed combat. As I write, ISIS—the self-proclaimed Islamic caliphate—is perpetrating such an evil in the territory it has occupied. The main targets are Yezidi women and girls, who are abducted in military campaigns in northern Iraq, sold or given to ISIS fighters and other men, and subsequently raped over extended periods of time. The ISIS perpetrators are shameless in their self-serving piety as revivers of the institution of sexual slavery. The organization has publicly proclaimed purportedly Sharia-sanctioned rules governing buying, selling, gifting, and emancipating Yezidi women and girls (Callimachi 2015). The testimony of women and girls who have escaped from their captors gives the lie to this sanctimonious nonsense. In this section, however, I focus not on the abominations of trafficking in persons and mass sexual abuse but rather on the survival agency of the victims of these crimes against humanity.

Pretense is a survival strategy that victims deploy in several ways. Despite their deep religious faith, some victims report pretending to go along with their captors' demands that they convert to Islam. One woman describes how she avoided betraying her faith while feigning compliance with Islamic practices: "We were forced to read the Quran and we started to pray slowly. We started to behave like actors" (Human Rights Watch 2015). Some abductees try to use Islamic sexual mores to defend themselves. Because Islam forbids sex with a pregnant woman, some women claim to be pregnant: "There was an American man there, who did not speak Arabic. He told me that I must marry him to become Muslim. He asked me to wash myself and then marry him. I told him that I was pregnant and could not have sex, so he brought me to a doctor and when he found out that I lied he beat me" (Salim 2015; also see Amnesty International 2014). Whether deviously pretending to comply with the demands of their captors or protesting their unfitness for sex, many Yezidi women and girls do their best to preserve their integrity and defend themselves under brutal conditions.

In addition to these subterfuges, some captives try to make themselves sexually undesirable by smearing themselves with dirt and

refusing to bathe. Others try futilely to fight off their captors. Ultimately, however, escape is the main survival strategy the victims report. The daring, resourcefulness, and determination of the escapees is striking:

I wore the black abaya and run [*sic*] away. I found some taxis and got into one asking the driver to take me to see my uncle at the border with Turkey. An ISIS car stopped the taxi and questioned the man and myself. They asked me what I was doing alone, without children outside the house. Then the taxi driver told the men that my uncle had an accident and he was helping me to get to him. They let us go, and the man drove me to Tel Abyad at the border with Turkey, where I was rescued. In a house one day I found a phone, which was probably left by one of the fighters. I took it and called my father, who worked in Erbil. My father paid a smuggler \$4,000 to get me out of Tal Afar and into safety to the Peshmerga. I tried to escape once, but the soldiers found me in the streets, and brought me back. The man beat me hard, and lashed me with an electrical cable. He told me that if I did not want to stay there and marry him he would sell me to somebody worse. He gave me three days to think about it. The next day, when he was not there, his wife came to me, and told me that she could help me escape to a Kurdish family living in the neighborhood. She took me there when her husband was out and I asked the Kurdish family to help me, I begged them. I stayed with them for five months. Then one day we could finally arrange with my father to meet at the border with Turkey. The Kurdish man gave me his daughter's ID and drove me to the border, where I was finally rescued. (Salim 2015)

Although each of these women was lucky in being able to rely on others' assistance with her escape, each is intrepid in pursuit of her freedom, adroit at taking advantage of escape routes, and unshakable in her resolve to return to her family and community.⁹

Although it is important to acknowledge the survival agency that individual Yezidi women exercise, it is also important to acknowledge the social support for the recovery of the victims provided by the Yezidi community. Unlike in many other sexual-violence atrocities, a Yezidi spiritual leader, Baba Sheikh, has advocated welcoming women and girls who have been raped while in ISIS captivity back into the community. There is speculation that the Yezidis are compelled to behave so magnanimously because they are such a tiny minority that the alternative would be ethnic suicide. But I doubt this is the whole story.

⁹ I don't want to paint an unduly rosy picture, however. Some captives despair: "We were 21 girls in a room, two of them were very young, 10–12 years. One day we were given clothes that looked like dance costumes and were told to bathe and wear those clothes. Jilan killed herself in the bathroom. She cut her wrists and hanged herself. She was very beautiful" (Amnesty International 2014; also see Human Rights Watch 2015).

One report tells of a husband’s fear that his nineteen-year-old wife might be suicidal and of his devoted attention to her in the aftermath of her ISIS-inflicted ordeal, and also of a grandfather’s tender concern and care for his sixteen-year-old granddaughter (Amnesty International 2014). Although the same report notes the shame and stigma customarily associated with sex outside marriage or sex with a man of a different faith, it is undeniable that Yezidi activists and families are taking great risks and going to enormous expense to rescue girls and women who have been abducted, and there is no credible evidence of recriminations against women and girls who have come home. Arguably affection for beloved wives and daughters, regard for female Yezidi coreligionists, and empathy for the female victims of ISIS are winning out over age-old taboos. There is reason to hope, then, that these victims will eventually prevail and survive morally as well as physically and psychologically.

Survival agency is the weapon of last resort for victims of evils—people who are as disempowered as possible by an evil deed, evil practices, evil social structures, or evil environments. To save themselves, victims must discover fortuitous, situational opportunities for self-protection. To notice and exploit these opportunities, victims must have appropriate traits of character, personality traits, and skills. Although I agree with Card that moral remainder survival is a vital component of true survival, I question whether victims assailed by the inexcusable harms evils inflict can anticipate which courses of conduct are incompatible with moral remainder survival, and therefore I question whether they must put achieving this end on a par with life and health remainder survival while subjected to an evil. Indeed, I think that one way to construe Bierria’s emancipatory agency—a way that is in keeping with Card’s theory of evils—would be to include in it a capacity to bring about a world in which the probability of developing a good moral character in childhood would be maximized and no one would be deprived of the opportunity to restore her good character or reconfigure her character for the better as an adult. Otherwise, as Card knew so well, victims of evils can only entrust their moral fate to luck.

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References

- Amnesty International. 2014. "Escape from Hell: Torture and Sexual Slavery in Islamic State Captivity in Iraq." https://www.amnesty.org.uk/sites/default/files/escape_from_hell_-_torture_and_sexual_slavery_in_islamic_state_captivity_in_iraq_-_english_2.pdf, accessed May 13, 2016.
- Bierria, Alisa. 2014. "Missing in Action: Violence, Power, and Discerning Agency." *Hypatia* 29, no. 1:129–45.
- Callimachi, Rukmini. 2015. "Enslaving Young Girls, the Islamic State Builds a Vast System of Rape." *New York Times* (August 14), A1 and A12–13.
- Card, Claudia. 1999. "Groping Through Gray Zones." In *On Feminist Ethics and Politics*, edited by Claudia Card, 3–26. Lawrence: University Press of Kansas.
- . 2000. "Women, Evil, and Gray Zones." *Metaphilosophy* 31, no. 5:509–28.
- . 2002. *The Atrocity Paradigm: A Theory of Evil*. New York: Oxford University Press.
- . 2012. "Surviving Long-Term Mass Atrocities." *Midwest Studies in Philosophy* 36:35–52.
- . 2014. "Surviving Poverty." In *Poverty, Agency, and Human Rights*, edited by Diana Tietjens Meyers, 21–42. New York: Oxford University Press.
- . 2016a. "Surviving Homophobia: Overcoming Evil Environments." Carus Lecture, delivered by Victoria Davion, APA Central Division Meeting, Chicago.
- . 2016b. "Taking Pride in Being Bad." In *Oxford Studies in Normative Ethics*, vol. 6, edited by Mark Timmons, 37–55. New York: Oxford University Press.
- . 2016c. "Gratitude to the Decent Rescuer." Carus Lecture, delivered by Diana Tietjens Meyers, APA Central Division Meeting, Chicago.
- Human Rights Watch. 2015. "Iraq: ISIS Escapees Describe Systematic Rape." <https://www.hrw.org/news/2015/04/14/iraq-isis-escapees-describe-systematic-rape>, accessed May 13, 2016.
- Khader, Serene J. 2011. *Adaptive Preferences and Women's Empowerment*. New York: Oxford University Press.
- . (2014). "Empowerment Through Self-Subordination? Microcredit and Women's Agency." In *Poverty, Agency, and Human Rights*, edited by Diana Tietjens Meyers, 000–00. New York: Oxford University Press.
- Salim, Seivan. 2015. "Escaped." <http://www.mapofdisplacement.com/escaped/>, accessed May 13, 2016.

Meyers, Diana Tietjens. 2016. *Victims' Stories and the Advancement of Human Rights*. New York: Oxford University Press. 1
Stoljar, Natalie. 2000. "Autonomy and the Feminist Intuition." In 2
Relational Autonomy, edited by Catriona Mackenzie and Natalie 3
Stoljar, 94–111. New York: Oxford University Press. 4
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