How Does Oppression Twist Our Agency?*

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Abstract: According to much feminist thinking, oppressive environments unjustly affect not only our interests and epistemic states, but also our *abilities*. A promising approach to explaining this imports the notion of *uptake* from speech act theory: abilities are affected by whether and how others "take up" our actions. This paper argues that abilities are twisted, instead, via the *social intelligibility* of oppressed persons' contributions as participants in activities like conversation and sex. This allows us to distinguish the unjust imposition of causal failures from (often, prior) failures to instantiate the right act-type given contextually relevant standards for doing so.

Key words: Oppression, Agency, Feminist Philosophy, Forgiveness, Speech Act Theory

Oppressive systems like sexism and racism disadvantage members of society just in virtue of their social group memberships. These systems affect our material wellbeing, unjustly distributing wealth, safety, and other resources in ways that perpetuate existing power structures. They also affect our epistemic states, equipping the already powerful with concepts to understand their experiences and justify their choices while depriving the powerless of the same. According to much feminist thinking, oppression also manifests in distinctively *agential* forms of injustice. It is not only the unjust distribution of material and epistemic resources that we should worry about, but also the unjust distribution of *agentive modal properties* (abilities, powers, skills, capacities) themselves. Indeed, some theorists write as if the restriction of agency is what defines or underwrites all forms of oppression.[1] Oppression constrains us, makes us less free. These systems are not just bad for us as humans and knowers; they are bad for us as agents.

Concern with distinctively agential forms of injustice is at the heart of feminist theorizing about problematic adaptive preferences (Khader 2011), relational autonomy (Mackenzie and Stoljar 2000), and oppressive double binds (Hirji 2021; Hirji 2024).[2] But it is one thing to claim that social environments can affect our autonomy or the character of our choices. It is quite another to claim that they can affect our *specific abilities* – our abilities to do things, here and now.[3] And some theorists seem to hold this stronger view. On this picture, which specific

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[1] See discussion and citations in Khader 2024; Kim forthcoming.

[2] See, also Bierria 2014; Webster 2021; Bernstein 2024; Ward 2025 on agency and oppression.

[3] Clearly, oppression can affect our *general* abilities in straightforward ways. Poor, racialized people denied good schooling might never cultivate the ability to *read*. Women barred from driver's ed might never cultivate the ability to *drive*. In cases like this, features of their oppressive environments explain why they lack the general

abilities one possesses in an oppressive environment can vary just in virtue of social identity. My interest here is in this intriguing idea, that oppression affects *what we can do*, not merely how we do it. My strategy will be to adopt an unskeptical posture toward this possibility and to ask: if oppression can twist our agency (in this sense), in what does this distinctively agential injustice consist?

Feminist discussion of "uptake" offers a promising place to start. A disabled woman may be unable to *consent* to a medical procedure, despite uttering the same words as her nondisabled male counterpart, when and because her audience fails to give her attempts to consent uptake. This mechanism of *discursive* injustice might be generalized to explain agential injustice. On the resulting "uptake denial model" of agential injustice, a person's abilities are threatened because her actions are not cooperatively taken up by her agential audience. Thus, the uptake denial model locates injustice in a corruption of the relationship between (attempted) action and certain characteristic effects; in short, in *causal failures* (section 1).

But oppression sometimes twists our agency via an alternative mechanism. On what I call the "agential contribution model", oppressive forces systematically shape the contours of complex actions, requiring oppressed persons to undertake a different set of more-basic actions to perform the same complex ones as their dominantly situated counterparts (section 2). Unlike familiar cases of uptake denial, these cases permit oppressed persons who have internalized bad ideology to cause precisely the effects they aim to cause, without barrier or interruption. These actions simply manifest their participation in objectionable roles in their interactions.

After considering whether a complexified uptake denial model can diagnose these cases (section 3), I argue that the feminist notion of *social intelligibility* is better suited to the explanatory task (section 4). Agential injustice operates by regulating what sorts of contributions "make sense" for "people like that" to make as participants in activities like conversation and sex in oppressive societies. This allows us to distinguish the unjust imposition of two kinds of agential failures: failures to cause the right *effects* with our actions, and failures to *instantiate the right act-type* given contextually relevant standards for doing so. Finally, it recovers an important, clarified role for some cases of uptake as the creative, reparative work involved in *making sense of* someone's agential contribution such that it can instantiate the right act-type (section 5).

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ability to *read* or *drive*. But this is different from saying that oppression could explain why they *here and now* cannot drive, despite having a general ability to drive (see Mele 2003 on the general/specific ability distinction).

1. The uptake denial model

Theorists who hold that oppression can affect our specific abilities often focus on cases like the following:

> *Refusal:* A woman attempts to refuse sex. Due indirectly to the proliferation of violent pornography in her society, the man she's with declines to give her behavior (saying "no") uptake as refusal. As a result, she doesn't refuse: "Sometimes 'no,' when spoken by a woman, does not *count* as the act of refusal." (Langton 1993, 321).

The woman's gender helps explain why she is unable to act as intended, here and now, despite possessing some general ability to refuse. These cases are frequently discussed as manifestations of *silencing* or *discursive injustice*, affecting one's abilities to navigate discursive conventions (Maitra 2009; Kukla 2014; Green 2017; Tanesini 2020). Following J.L. Austin's notion of "uptake" (1962), theorists ask how others' responses to speech acts can affect whether those speech acts come off.

But oppression can also affect our abilities to do things *without* words, as in these cases adapted from Elizabeth Anderson and Marilyn Frye:

> *Expression of Affection:* In Western societies, men and women are offered distinct "vehicles for expressing heterosexual affection": a man "may express his affection by wrapping his arm around his lover, or by leading her on the dance floor", since he is understood as the "protector and leader" of his partner, the "dependent follower" (Anderson 1993, 18). In a particular heteronormative context, a woman may not be able to express affection by leading her partner onto the dance floor.

> *Sex:* In certain contexts, understandings of sex are imbued with heterosexist content. Presented with the question "How many times have you had sex with a woman?" the laughing response of some lesbians is: "What will we count? What's to *count?*" Despite engaging in bodily movements and enjoying sensations that they experience as sexual, they recognize that such movements and sensations – when only experienced between

> women – will sometimes not count as having sex at all; after all, "by the criteria [...] most of the heterosexual people used to count 'times,' lesbians don't have sex at all. No male orgasms, no 'times'" (Frye 1990, 307–9).

The narrow, speech-act-focused sense of "uptake" cannot be all that matters in cases of broadly agential injustice. A charitable understanding of the model can accommodate this: perhaps others' broadly socially cooperative reception of our actions is what permits or prevents them from coming off.[4] Whether or not they involve speech, all cases of agential injustice thus manifest in a *causal failure*; namely, the failure to cause others to "take up" one's action.

This may seem a surprising way to characterize the uptake denial model, given its origins in Austin's distinction between what one does *in* speaking (illocution) and what one does *by* speaking (perlocution). This distinction reflects an emphasis on what one's act *constitutes* – not just what it *causes*. While previous theories identified other's "uptake" as a downstream consequence of one's speech, speech act theorists treated it as necessary to (even, constitutive of) the act itself. In this way, they pressed for a more social understanding of speech (perhaps, of agency in general). Some acts are what they are, not just in virtue of how they affect one's body/mind or the material world, but also how they affect *others*.

But this correction nonetheless identifies actions with what they *affect*. It simply widens the scope for the relevant effects to include social ones.[5] Both illocution and perlocution are routed through the familiar understanding of *action as production:* namely, that actions *just are* productions of states of affairs.[6] Agential success is causal success.

Correspondingly, agential failures are causal failures. In cases of uptake denial, a member of an oppressed group attempts to affect her social world but finds her attempts frustrated in a way that changes what she's doing.[7] This can even explain how interactions between two people with coordinated plans can be thrown off by the fact that others not party to the

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[4] Indeed, many uses of "uptake" depart from its technical (and disputed) meaning in speech act theory. See, e.g., Mühlebach forthcoming, 6–7 on the more capacious use of "uptake", and Dembroff and Saint-Croix 2019, for a good example. Quill Kukla also uses "uptake" to refer to cooperative responses to things we do without words (e.g., in Kukla 2021, where they discuss "competent uptake" of a sexual partner's "bodily responses").

[5] Kukla stresses this dimension of agency, writing that "[a]ctions are individuated by what they *accomplish*", how they "concretely affect people's behavior" (Kukla 2023, 2–3).

[6] See Schapiro 2001; Muñoz 2021 for helpful discussion.

[7] This might result in straightforward ability deprivation, as when someone tries to *refuse* but cannot. Other cases involve oppressed persons deprived of one specific ability but empowered to perform some less efficacious or desirable one. They can't order *order* but can *request* (Kukla 2014); they can't *refuse* sex but can *consent* to it (see discussion in Wieland 2007; Maitra and McGowan 2010). The "causal failure" to which I refer here includes both.

interaction decline to afford them uptake. The lesbians' mutually agreeable plan to have sex is affected by the fact that no one in their society would (or does) take them to be having sex. This might change their understanding of, and relationship to, what they are doing. It might even affect the facts of the matter – whether it's true that they had sex – and so what knowledge they possess about the interaction.

Unsurprisingly, such verdicts are controversial. Many find it implausibly strong to hold that the woman in *Refusal* doesn't refuse *at all;* perhaps she refuses unsuccessfully, or without the usual, desired effects of refusal. But this is different from saying she *doesn't refuse* (Bird 2002). Similarly, we might insist the lesbians *just do* have sex, regardless of what the heterosexists say. I won't dwell on these controversies here, in part because the plausibility and strength of these verdicts – the sense in which one cannot perform some act – depends on what, exactly is happening in the cases, and the details about what the injustice consists in. For the time being, we must simply retain an open mind about these verdicts.

But this model gives us a good place to start. I'll call this first pass the "simple uptake denial model for agential injustice" and understand it as having three ingredients.[8] (1) It takes oppressed person's agential failures to consist in failures to cause the right effects in their audiences, (2) where the right effects are understood in terms of "uptake". Third, and relatedly, (3) uptake deniers are an essential part of the mechanism of agential injustice: when uptake denial is unjust, uptake deniers perpetrate agential injustice.[9] In short, agential injustice consists in the systematic imposition of (a certain species of) *causal inefficacy* on oppressed persons; it renders such persons less empowered to change their (social) worlds. I argue in the next section that this model is extensionally inadequate in identifying agential injustice.

2. The agential contribution model

[8] Because my aim is to consider an uptake denial model *as a model for agential injustice*, I don't mean this to accurately characterize any extant view in speech act theory.

[9] E.g., McGowan 2017's four types of silencing, all involving an addressee failing to recognize something about a would-be refuser's agential contribution. Whether all uptake deniers are culpable is a separate question. Note, also, that *anticipated* denials of uptake can lead agents to act in ways that avoid actual causal failures; e.g., going ahead with a sexual interaction due to the anticipated failure of uptake if one were to resist. The framework should be understood to include the injustice associated with one's (actual or anticipated) causal inefficacy inhibiting her attempts to even *try* to affect others.

In this section I consider how women's abilities to *forgive* can be affected in oppressive contexts.[10] My contention is that oppression can twist our abilities by reshaping which more-basic acts are required to perform complex acts in certain contexts, and that this need not involve any causal failure. Consider forgiving as a complex action: acts of forgiveness depend on various more-basic actions like *speaking*, *embracing*, *cooking a meal*, *typing a text message*. These, in turn, depend on even more basic actions (*moving one's mouth*, *wrapping one's arms*…).[11] Theorists of forgiveness insist that these more-basic actions must come under certain descriptions for persons to count as having forgiven. I shall remain ecumenical about the nature of forgiveness, but common candidates include: (1) overcoming or suppressing negative emotions (resentment, blame, disappointment) toward the wrongdoer, (2) refraining from, tempering, or foreswearing certain overt responses to the forgiven wrong (displays of anger, retaliation, withdrawal), (3) (re)establishing positive emotions toward – or relations with – the wrongdoer, and/or (4) explicitly stating one's forgiveness or acceptance of apology. On some views, forgiving depends on one *explicitly stating her forgiveness*, whether she does so via *typing a message* or *shouting across the yard*.

Women are often treated as possessing "natural" skill at maintaining relational harmony. As a result, they are frequently saddled with disproportionate shares of emotional and relationship management labor in their mixed-gender relationships. This relates to differences in what Arlie Hochschild (2003) calls the "going rate" – the expectable desirable attitude or behavior for a man or woman in one's social context (53). Given this, successfully performing the acts on which forgiveness depends might require that one not only engage in vulnerable conversations, but must also *plan*, *sensitively initiate*, and *process* these conversations in ways that men are not expected to.[12] Managing one's emotions in forgiving ways may not only require that one suppress overt resentment, but that one wholeheartedly banishes resentment, such that she can exhibit feminine softness. If men are not expected to be as emotionally forthcoming or verbally communicative, they may, plausibly, clear the bar for (say) suppressing negative emotions in the forgiving way *more easily*. If forgiveness requires *restoring* pre-

[10] Previous discussion of forgiving under oppression has either focused on tendencies to *morally evaluate* acts of forgiveness along gender/race lines (rather than on actual abilities to forgive) (MacLachlan 2009; Cherry 2021; Norlock 2008), or applied the uptake denial model (Milam and Brunning 2018).

[11] I assume the existence of *more* and *less* basic actions, but remain uncommitted to the existence of genuinely basic actions. Nor does what I say hang on any particular view about the relationship between more- and less- basic actions. Less-basic actions might be constituted by more-basic ones, caused by them, or depend on them in some other way. To simplify language, I sometimes refer to more-basic actions "counting as" less-basic actions.

[12] See Anderson 2023 on these gendered dimensions of relationship management labor.

wrongdoing relations, and if these relations were at baseline more emotionally demanding for a woman than for a man, restoring relations will be more demanding for her. If these differing expectations are part of a robust social practice, the ability to *forgive* looks different for people of different genders. The behaviors required of women to perform these acts plausibly require more planning, effort, vulnerability, self-regulation, and sensitivity in many contexts. The result: women occasionally find themselves needing to *do more* to forgive.

In other circumstances, however, women's allegedly "natural" caringness appears to have just the opposite effect. Because women's behavior is so readily interpretable in light of stereotypes of gentleness, patience, and self-sacrifice, indications of one's *openness* to forgiving may be taken as sufficient for forgiveness itself.[13] The way a woman listens to an apology, for instance, might be viewed as so sympathetic that the absence of an explicit acceptance of the apology seems irrelevant. In this way, the comfortable status of "forgiven person" can be one of many benefits that men find themselves enjoying more frequently than do women.[14] Perhaps, in the same way, women *consent* or *flirt*, or Black men *threaten*, by performing fewer actions than men or white people, respectively.

If this is right, there is something *different* about the set of more-basic actions through which these people perform the same nonbasic actions. These differences may sometimes lie in their increased *demandingness:* oppressed agents must perform more acts, burn more calories, overcome more friction. Other times, they may need to exhibit more sophisticated skills.[15] Still other times, the route to action is *easier* – perhaps, insultingly so – for these agents.[16] Of course, there is nothing odd about the fact that we often perform different more-basic actions to undertake the same complex ones. You might send a message by mailing a letter, while I perform the same action by clicking "send" in my email. You might light a fire by striking a match while I rub two sticks together. You might even forgive differently from me, simply because of our different personal styles. This flexibility is part of the nature of complex action. What is notable about cases like these is how identity facts *systematically* shape the contours of act-types. It is up to me whether I send a message by mailing a letter or sending an email. And if it's not, it's not because of something about my social identity; maybe the internet is down, so

[13] See MacLachlan 2009 on forgivingness as a "feminine virtue."
[14] Thanks to Hannah Tierney for raising this.
[15] Thanks to Tom Dougherty for pointing this out.
[16] I am indebted to several NOWAR participants (especially Santiago Amaya, Manuel Vagas, Mercy Corredor, and Agnès Baehni) for encouraging me to consider these various differences.

my act is shaped by fortune. But whether I forgive by sincerely saying the words "I forgive you," or by doing this *and* repeating these words imploringly while exhibiting submissive bodily postures may not be either *up to me* or *up to fortune* in the same way. It is, rather, a function of my class, race, and/or gender. If the only route to *forgiving* for people like me is more treacherous than what lays before those who are dominantly situated, it is like needing to light a fire by rubbing two sticks together while others can simply strike a match. If the route to *forgiving* is uncomfortably easy, members of my group and not yours find ourselves with too many fires.

There is much more to say about the nature of the relevant injustice. For now, my point is simply that these represent cases of agential injustice absent uptake denials. Of course, uptake denial can function as a tool for extracting certain behaviors from disempowered people. If someone will deny me uptake *unless and until I forgive warmly*, I will attempt to forgive, and even take myself to have forgiven, but their denial might complicate what I've done. Such cases involve denials of uptake *and* the extraction of particular agential contributions from (would-be) forgivers.

Other cases, however, lack the ingredients of the uptake denial model. First, they may involve no causal failure. Women have often internalized the gendered "going rate" for forgiveness just as much as those around them. Their behaviors will often reflect a sense that they haven't forgiven until they've done so in a recognizably "feminine" way. In such cases, all involved parties operate seamlessly under the assumption that their forgiveness only *makes sense* when it involves, say, the wholehearted banishment of negative emotions. Alternatively, one might be so used to having her sympathetic listening interpreted as sufficient for forgiving that she is unsurprised and untroubled by this result. All parties treat this as the relevant reparative "move" within the familial or social context.[17] In such cases, we find causal success precisely because ideology has become, as it is often put, *hegemonic*. These forms of forgiveness are *just what's done*.

Relatedly, no causal failure must be imposed. Uptake deniers, who play an essential role on the simple uptake denial model, have no role here. This, at minimum, complicates how we

[17] Consider that some lesbians responded to their unlikelihood to receive uptake as having sex with each other by concurring: "we quit having sex years ago" (Frye 1990, 309). Indeed, some separatists *embraced* their inability to have sex as liberatory (see, e.g., Lipschutz 1975's provocative insistence that what's "nice about being a lesbian is that nobody needs to get fucked"). Though I lack space to explore this here, oppressed groups sometimes wield unjust standards for the performance of socially significant actions for their own creative, liberatory aims (

identify perpetrators.[18] Whose fault is it that certain kinds of people must light a fire by rubbing two sticks together? Whose fault is it that this is simply *what's done*? "Uptake denial" calls to mind a set of obstructive behaviors, conversational contributions (or their absences) that impede or redirect the momentum of an interaction. Yet, when we simply adhere to the "going rate" for people like us and the agential demands they assign, uptake needn't be denied for injustice to obtain. This is the difference between cases in which an agent is not treated as meeting the standards for some action and cases in which the standard for action just is different for some groups.[19] My point is not that we cannot assign responsibility *of any kind* for the relevant injustice. Rather, it is to raise a distinction between responsibility for one's *behavior* in an interaction and responsibility for the *context* of that interaction. If there are culprits to be found, their crime is best characterized as a failure to transcend or resist the context, which could *itself* impose causal failures (or, at least, awkward redirections).

These examples of agential injustice raise problems for the simple uptake denial model's extensional adequacy. The natural thing to say is that such cases must be explained in terms of something about (familial, social, romantic) contexts – contexts that put wives in certain relations to husbands and mothers in certain relations to sons – not in terms of any individual's behavior within those contexts. In the next section, we'll see that this extensional inadequacy is the product of an underlying explanatory inadequacy, one that cannot be addressed by a structural version of the uptake denial model.

3. A more complex uptake denial model?

I've raised a distinction between the injustice associated with what we might call "bad behavior" (the kind that results in causal failures) and injustice associated with what we might call "bad contexts for behavior." Theorists of uptake are keenly aware that uptake denial's agency-compromising effects have much to do with background conditions of power, authority, and inequality. But there is a difference between accommodating these *as background* – perhaps, as enabling conditions for pernicious, agency-compromising behavior – and treating something

[18] In the forgiveness case, it's tempting to lay blame at the wrongdoer's feet. But we must distinguish the wrong that occasioned forgiveness from a possible wrong associated with twisting the forgiver's specific ability.
[19] Thanks to Elinor Mason for this way of putting the point.

about context as *itself* the direct explanation for effects on abilities.[20] In this section, I'll entertain and reject a complex version of the uptake denial model that attempts to take this into account.[21]

It may turn out to be explanatorily adequate (albeit slightly personifying) to talk of the *structures* – as well as the individuals – which, in some sense, deny oppressed persons socially cooperative reception of their agential contribution. Some theorists have already undertaken the project of complexifying the uptake denial model thusly.[22] If feasible, talk of "uptake-denying structures" would honor the idea that the context for our behavior does important philosophical work in explaining agential injustice.

I'm understanding uptake broadly in terms of "socially cooperative reception" of a person's action, and uptake denial as a corruption of the usual relationship between one's agential contribution and such reception. How could this be unpacked at the structural level? Here are two approaches that remain loyal to this characterization. First, structural uptake might be reducible to *actual uptake*, facts about how people behave. It might simply be a matter of *aggregations* of behaviors that amount to patterns ("women, in general, are less likely to receive uptake for sexual refusals than men"), rather than merely individual behaviors. Second, structural uptake might be a matter of *representative uptake*, that is, how some representative member of my society *would* receive my agential contribution. Such facts, while clearly grounded in social facts, are not themselves purely descriptive. The introduction of representative uptake allows that there is an order, a "way of doing things", to which we refer (reject, comply with, play off) when we offer or deny uptake to others.

(Patterns of) actual uptake are not sufficient to explain agential injustice, for the simple reason that the relationship between actual uptake and agency *in general* is simply not so tight. Even among many deeply socially-mediated kinds of action like speech acts, it's just not correct

[20] Put differently: on the simple uptake denial model, perhaps the *success* of uptake denials must be explained by appeal to structures (rather than individuals), insofar as uptake deniers' authority might derive from their position in oppressive systems. But the denial of uptake itself is enacted by an individual. (In much the same way, a particular doctor diagnoses a patient on some occasion, granting that the doctor's authority to *diagnose* derives from their position in the medical system.) In other words, the simple uptake denial model gives an individualistic answer to the question "In what does agential injustice consist?", and a structural answer to the further question "What offers uptake deniers the authority to perpetrate agential injustice?"

[21] Thanks to Elinor Mason for pressing me to explore the views in this section, and to Andrew Lichter for helpful discussion.

[22] Harrison and Tanter 2024; Mühlebach forthcoming advocate versions of this approach (though Harrison and Tanter focus on speech acts in particular). Kukla (sometimes writing with Mark Lance) refers to "the way society gives us uptake" (Kukla and Lance 2023, 1139) and to "community uptake" (Kukla 2023, 8).

to say that *actual uptake* is required for (successful) action.[23] If we only act when we receive uptake, acts that take place without any (present or future) audience are *not actions at all*.[24] We never *brush our teeth* unless we tell someone about it later; we never *scrape gum off our shoes* unless we're witnessed doing so. And this is simply not true. Even when others do not *in fact* receive some particular action in a cooperative manner, we can act. It may be that we need to cause some effects to perform these actions (e.g., cleaner teeth), but not the *social* effects that interest the uptake theorist.

The natural move is to shift to representative uptake. We can act when are alone – not because someone *in fact* gives our behavior uptake as the act it was, but because a representative member of our society *would* do so. Then the question becomes: in what sense would they be "representative"? Their representativeness cannot reduce to a pattern of actual behavior in a population. For there might be a sense in which φ-ing is "what's done", despite there being no good representatives who reliably, cooperatively receive other's actions as instances of φ-ing. This sense in which φ-ing is "what's done" is explanatorily deeper than their representativeness. To explain what makes them representative, we need to appeal to the fact that there's a *type of doing*, φ-ing, a *sequence of behaviors which can be multiply (diversely) instantiated and nonetheless count as an instance of that type*. If it's true that such a type exists – that both my floppy hand motions and your stiff hand motions count as *waving*, despite my floppiness and your stiffness – whether these motions are cooperatively received as such is not the point. The existence of behavioral "types of doings" is sufficient for the existence of an agential order which may or may not, in fact, be established, referenced, and reinforced via actual uptake. Put another way: there is a difference between the social construction of act-types themselves, and the social construction of the *uptake conditions* for those act-types.[25] The latter does not exhaust the former.

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[23] de Gaynesford 2011 helpfully canvasses which speech acts are plausibly "uptake-dependent" and which are not.
[24] Nor does it help to include temporally distant uptake or more potential uptakers. Sometimes we simply act without any audience. Mühlebach forthcoming seems to bite this bullet, conceding that she is interested exclusively in "agency" that "makes a social difference". She therefore embraces an odd result: when our actions don't make a social difference, *we don't exercise agency at all*: "In a case in which somebody intends to drink water and successfully does so without anybody watching them, they also act the way they intended. But they do not make a social difference [...] *I do not treat this as an example of agency (unless somebody else sees the water drinking person and interprets their action)*, only as one of acting intentionally and for reasons, because my notion of agency is inherently social" (footnote 2, italics added).
[25] Thanks to Robert Wallace for this phrasing.

As soon as we appreciate this gap between the "types of doings" to which uptakers refer and uptake *itself*, the proposal to talk of both in terms of "uptake" becomes strained. One is about *what, in general, allows behaviors to count as types of actions* and the other is about *what allows particular actions to come off*. One appeals to *types* and the other describes *tokens*. The term "uptake", after all, refers to the *taking up* of another's behavior as some action, and this "taking up" is *itself* an action, a token of some type of doing. I therefore propose reserving the term "uptake" to refer to act tokens which bear some interesting relation to some other tokens, and not for the contexts that make types instantiable. We need to be able to talk about the relationship between the two; they are not one and the same.

4. Socially intelligible agency

In this section I turn to the payoff of distinguishing token acts of uptake and types of doings. It allows us to identify different ways that agency can be frustrated in general, and, consequently, draw out how it can be *unjustly* frustrated. So, consider four different kinds of agential failures.

The first kind of failure occurs in our bodies. If I am surprised to find my hand reaching for the fries on another person's plate, I will register this as a defect in my agency (Velleman 2004, 225). The movement is an instance of "stealing", but *I'm* not stealing, since I'm not the source of it. This is such a striking kind of agential failure that it is sometimes thought to be the only kind; as Brian O'Shaughnessy (1980) writes, "Common to all experiences of loss of agency is the sense of becoming a spectator of one's own actions" (36). Call these "source failures." They threaten an important aspect of agency: actions emerge from the right *sources*.

A second kind of agential failure occurs in the world outside our bodies. I swing my leg, strike the ball, intending for it to meet the back of the net. Instead, the wind blows and the ball veers wide of the net. As a result, I don't *score a goal*. In cases like this, it's not that I've been reduced to a mere spectator; my movements came from me. I simply failed to produce the intended effects in the world with those movements.[26] Call these "production failures." They threaten a second aspect of agency: actions *produce an effect*.

[26] An important question for action theorists is *which* effects matter; as Von Wright 1963 puts it, which effects are "results" of an action, and which are the "mere (downstream) consequences". This shows up in debates about the scope of agency and the so-called "accordion effect".

A third kind of agential failure occurs in how our bodies relate to the world. I might decisively move my body across the field, guiding my movements with plans and intentions. But maybe I do so in a way that is utterly unresponsive to my situation and the reasons it gives rise to. Unbeknownst to me, I'm wearing a convincing VR headset. So, while I am running and kicking, my runs and kicks don't mean what I think they do. I'm contacting props, not really *blocking my opponent* or *kicking a ball*. (There's no opponent, no ball.) Call these "responsiveness failures." They threaten a third aspect of agency: actions *respond to situations*.[27]

A final kind of failure occurs in how the world relates to our bodies. Maybe I do run and kick, and maybe I even kick the ball into the goal. (I'm not wearing a VR headset this time, and I really am interacting with the physical objects I perceive in the way I take myself to be.) Perhaps I do this via the same sequence of movements as the player next to me. But when I do it, the fans don't cheer, the gameplay doesn't stop, the score doesn't change. By kicking a ball into the net, I don't thereby *score a goal*. And this is fair enough, since I'm not on either team – I just ran onto the field. Call these "type-instantiation failures." They, after all, threaten a final aspect of agency: actions *instantiate particular types*, what I've called "types of doings". In this case, I can instantiate certain types of doings (*running*, *kicking*), but not, thereby, instantiate others (*scoring a goal*). While the differences between my floppy and your stiff *waving* don't threaten their counting as the same type, the difference between our respective attempts at *goal-scoring* evidently do. And this failure must be distinguished from a failure to cause certain physical effects with my movements (i.e., sending the ball into the net, even via the same movements as others). With acts like *scoring a goal*, these physical effects are not sufficient. The performance of this action requires that these behaviors take place in a relatively robust *context*, starting with my joining and training with the team, being registered to play in this game, and so on.

The idea that contexts for our behavior have an important authority over our agency is not new. On "practice views of action", acting amounts to participatory move-making in practices analogized to games.[28] Sally Haslanger develops a version of this view that secures an important feminist point: even ideological and unjust practices constrain and enable our

[27] See Muñoz 2021 on the idea of action as a "response to a situation." Thanks to Dan Muñoz for helpful conversation about this point.
[28] Schapiro 2001; Schapiro 2003, inspired by Rawls 1955, defends this view (see Millgram 2020 for discussion). Rawls uses the example of baseball game rules.

agency.[29] To sloganize (and over-simplify): contexts for behavior help make acts what they are. If context is prior to behavior in individuating some bit of behavior as a particular action, we need to appeal to features of *types* to explain why one's actions are a token of that type. To explain why my kicking a ball into the net does or doesn't count as *scoring a goal*, we need to appeal to something about *soccer game rules*, not (merely) something about *the behavior of those on the field*. According to these rules, one player's decisive kick and another's clumsy (even, accidental) header can both amount to the same score-changing move, while my decisive kick as a spectator cannot. Moreover, my mad dash can amount to *field invading* in a way it simply cannot for those currently playing. Occupying the role of "spectator" in athletic activities affords me a distinct set of agential opportunities (and limits) than those offered by the role of "player".

Practice views of action make it possible to capture type-instantiation failures as distinct from production failures. And this is easy to overlook, since failing to instantiate a certain act-type in the hoped-for way typically *also* involves failing to produce the effects I aim to produce. My failure to *score a goal*, after all, involves failing to elicit the preferred responses from my audience (the fans, players, referee). It is tempting, then, to reduce the problem to a failure of causal efficacy. But doing so runs together two, importantly distinct dimensions of agency: action both changes the material world and does so via particular, multiply instantiable and socially meaningful types. The instantiation of a given type has significance over and above the states of affairs it generates.

This is, I think, what makes the uptake denial model such a tempting explanation for the nature of agential injustice. The would-be refuser just can't *get her assailant to stop*. The forgiver must jump through hoops to *get the wrongdoer to acknowledge her forgiveness* – or, finds she generates acknowledgment too readily. In short, *they just can't cause the right uptake*. At the end of the day, we might think, agency is about producing effects, about moving around matter, and frustrated agency (unjust or not) is about corruptions to the production of those effects. This is also what leads us to search for perpetrators in uptake deniers, those who refuse to be affected in the right ways, who won't be moved around. No doubt, this captures much of what's experientially frustrating about acute manifestations of agential injustice: it imposes causal inefficacy on agents whose intrinsic agential features seem unimpeachable.

[29] Haslanger 2017; Haslanger 2018; Haslanger 2019. A growing number of theorists now defend broadly anti-individualist (sometimes, "ecological," "social", "externalist") conceptions of agency, better suited to accommodate the effects of unjust practices (see, e.g., Vargas 2013; Timpe 2019; Wallace in preparation).

But we cannot reduce agential injustice, in general, to production failure. This gets the explanatory story backwards. Victims of oppression often fail to cause the right effect in the world *because they fail to instantiate the relevant type* (or, because they only instantiate the relevant type by behaving in particular ways). We often need to appeal to this failure of type-instantiation to explain the productive failure. Moreover, these failures point to distinct aspects of agential success. Merely affecting the world – moving around matter – is not all we care about when we value our agency. We strive, as agents, to navigate the world *in particular ways*, to behave in ways which manifest the same behaviors in others. Unequal standards for instantiating those types can be unjust, even setting aside the maddening causal inefficacy they impose.

With this distinction in hand, we can now assess the progress we've made on our central question. We need a helpful concept for describing *the agential order through which oppressed persons are systematically and uniquely vulnerable to type-instantiation failures*, in the same way "uptake" offered a helpful concept for describing oppressed persons systematic vulnerability to (certain kinds of) productive failures. I propose that the feminist notion of *social intelligibility* supplies this.[30] The women in our cases are trying to do something (refuse, express affection, have sex) that it doesn't make sense for "people like them" to do like that in contexts like this (often, leading interlocuters to deny them uptake). In the case of forgiveness, it is precisely because "people like her" must forgive in particular ways to make themselves socially intelligible as doing so that she finds her agency affected. She must forgive in feminine ways to make herself comprehensible as forgiving in reparative wife-husband and mother-son contexts. A corresponding agentive property – an ability to φ *in a socially intelligible way*, or, "SI-ability" – is affected in these cases. Even when we're perfectly able to refuse or forgive in general, certain contexts bear on our ability to do so in a way that will make sense here and now. We have seen that such SI-abilities might involve more (or less) effort or skill than those of dominantly situated persons. Though I lack space here to argue for this, it seems to me that, in cases of agential injustice, one can only act in ways that "make sense" by participating in roles which themselves have objectionable relational properties; they are *subordinate*, *servile*, *hostile*, or *Other*. Agential injustice consists in the fact that one's ability to φ intelligibly manifests her participation in an objectionable role.

[30] I primarily have in mind Frye 1983's usage of this term. I take what I say here to be in the spirit of Haslanger's "meaningful" action and Calhoun 2015's "legible" action.

Thus, agential injustice is not a matter of our inability to affect others *per se*. It is a function of the "rules" of interactive activities – conversation, sex, romance, moral repair – through which we, in acting, make social sense. Dominant "common sense" in oppressive societies may not characterize the behaviors of lesbians as the same type of doing (*having sex*) that straight partners instantiate with their behavior, whether clumsy, joyful, coercive, or boring. In these contexts it is no wonder that sexual experiences become "utterly inarticulate [...] pre-linguistic, non-cognitive" for lesbians unable to index what they're doing to recognizable types (Frye 1990, 311). Under these conditions, if there are subaltern contexts in which lesbians can intelligibly have sex, they are importantly cut off from what makes sense in the broader society. And this has consequences for what we can do, here and now. Nor can we simply opt out of caring about our SI-abilities. As Frye (1983) chillingly puts it, being "totally unintelligible" by the lights of dominant common sense "could be fatal" (106).

5. Uptake, revisited

Thus far, I've been critical of approaches that treat uptake – understood as an act of cooperatively *taking up* another person's behavior as some action – as *itself* what twists oppressed persons' agency. I've showed that there is an important gap between whether my action *makes sense* and whether it elicits a cooperative reception.

Having established this gap and its theoretical payoffs, though, I want to recover an important role for uptake. For while uptake is bound to generally track that which already makes social sense, some instances of what we call "uptake" involve the creative, reparative work associated with *making sense of* a person's (yet unintelligible) agential contribution.[31] And this work is sometimes precisely what enables our contribution to instantiate the relevant type. Moreover, what we sometimes call "uptake denial" is not a refusal to participate cooperatively in a given context for behavior, but, rather, a refusal to creatively index others' behavior to contexts in which it *can* make sense.[32] When an individual can settle what makes sense by

[31] Thanks to Ishani Maitra for encouraging me to consider this.

[32] This basic idea, that uptake situates speech acts as contributions to some discursive convention or other, comes from Austin's original discussion. See Kukla 2023; Harrison and Tanter 2024 for recent discussion. The difference between these views and mine concerns priority of explanation. As I read them, these theorists hold that actual uptake is prior to contexts in settling whether we instantiate the relevant types (though conventions limit which contexts can be brought to bear in some interaction). I hold that contexts for behavior are prior to uptaker's actual behavior in settling whether we instantiate the relevant type (though uptaker's behavior can *sometimes* successfully bring contexts to bear on the interaction).

themselves settling *what we're up to*, we sometimes call this "uptake". It's not that productive success is guaranteed by successful type-instantiation; rather, generating certain effects in the world can sometimes, in turn, shift contexts sufficiently to change which types my behavior instantiates.

Consider Tamar Schapiro's discussion of *negotiation*. If negotiations are regulated by a standard of "good faith" participation, abandoning this regulative ideal entirely complicates one's ability to participate in the practice of negotiation, and so, to *negotiate*. You might find yourself interacting with someone who declines to govern themselves by this ideal. Insofar as this interlocutor is just trying "to work around you like an obstacle, without really engaging with the substance of your claims", it becomes difficult to say what *you* are up to: "Are you negotiating, or are you just babbling on?" (Schapiro 2003, 337). By rendering our negotiation a "sham", our non-compliant interlocuter "deprive[s] our well-chosen conduct of its proper significance" (340). Uncooperative behavior can render us less-than-full-blooded participants in an activity, resulting in our behaviors not counting as the act-type they otherwise would. The person who refuses to properly negotiate cannot, by themselves, change the "rules" of negotiation (namely, that it's governed by a standard of good faith). But he can change *whether we're negotiating at all* precisely by declining to be governed by those standards. In (some) negotiations, individuals can shift the context for behavior.

So, in addition to recognizing that a complete understanding of agential injustice is not exhausted by an understanding of uptake denials, we can also distinguish how different uptake denials impose distinct agential threats. First are uptake denials which affect only the productive success of our actions: I (in fact) *forgive*, *refuse*, or *express affection*, but you uncooperatively decline to act in ways that reflect this (because I'm a woman, say): you won't let my actions affect you, won't be moved around. Second are uptake denials that deprive their interlocuter of an SI-ability, imposing not only failures of causal efficacy, but of type-instantiation. Insofar as my ability to participate in the relevant romantic, reparative, or conversational activity depends on whether I *make sense* as engaging in certain forms of participation, you can (sometimes) decline to engage in the reparative work of *making sense of* what I'm doing. You not only refuse to be affected but also, thereby, play a role in my being unable to instantiate the relevant act-type. The question of which of these is more threatening to our agency is a further, interesting one that probes at the very nature of agency itself.

This gives us a foothold in the question, raised in Section 1, about the strength of the relevant verdicts. Must we really say that women (sometimes) cannot refuse sex *at all?* We can now see that the question is not whether such people act *at all*, but what agential successes are available to them, what agential failures imposed.[33] I see no fully pre-theoretical route to settling the extent to which type-instantiation is threatened under oppression. Determining the strength of verdicts requires a first-order negotiation about what is involved in instantiating the relevant types, asking: what *does* it take to refuse, have sex, forgive? Much socially engaged philosophizing involves sensitive examination of practices through which we generate contexts of behavior that allow us to instantiate types of doings.[34] I suspect that we can only size up agential threats in this piecemeal way, one that takes seriously the distinct meanings of particular act-types.

I've argued that agential injustice consists in the social construction of act-types whereby oppressed persons' actions only *make sense* as participation in subordinate otherwise objectionable social roles. When oppression affects our specific abilities in this way, it is by affecting what it takes to act intelligibly. Uptake retains an important place in theorizing agential injustice, both as a manifestation of the productive success of our actions, and because it can sometimes shift the context at issue to make sense of other's behavior. This explanation makes clear why the need to construct resistant practices is so urgent. Agential justice does not merely require that we empower oppressed persons to make a difference with their actions. It requires the development of contexts in which we can better make sense of one another's authentic, good faith participation.

[33] See also Bierria 2014's proposal for a heterogenous framework of agenc*ies*.
[34] I undertake this project as it relates to the act-type of *loving* in oppressive contexts in Sicilia 2026.

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