

How Does Oppression Twist Our Agency? **Anna-Bella Sicilia**

Abstract: Oppressive systems affect our material wellbeing and our epistemic states in ways that reinforce existing power structures. 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. In this paper, I investigate the mechanism through which “agential injustice” occurs. One promising proposal seeks to explain agential injustice as the consequence of denied uptake. I argue that the feminist notion of *social intelligibility* is better suited to the explanatory task. 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 what’s unjust about cases in which an agent is not treated as meeting the standards for some action from cases in which the standard for action just is different for some groups. And it 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.

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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 (and justify) their choices and experiences 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, relational autonomy, and oppressive double bind choice

¹ For a helpful summary of this view and relevant citations, see Khader 2024; Kim forthcoming.

situations.² But it is one thing to claim that one's social environment can affect her autonomy or the character of her choices. It is quite another to claim that it 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 abilities one possesses in an oppressive environment can vary just in virtue of one's social group membership. My interest here is in this intriguing idea, that oppression affects *what we can do* and not merely whether it is done freely, autonomously, or with moral worth. My strategy will be to adopt a broadly unskeptical posture toward this possibility and to ask: if oppression can twist our agency (in this sense), what is the mechanism by which this occurs?

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. Perhaps this mechanism, which has previously been applied to *speech* acts in particular, can be wielded as an explanation for agential injustice (section 1). But a suitably general understanding of agential injustice – one that can capture its structural manifestations – cannot be achieved within the uptake framework. I draw this out by showing how oppression twists our agency via an alternative mechanism, what I call the “agential contribution model”. This happens when oppressive forces systematically shape the contours of complex actions, requiring oppressed persons to make greater (or more demanding) agential contributions to perform the very same nonbasic act-types as their dominantly situated counterparts (section 2). Unlike familiar cases of uptake denial, these cases permit oppressed persons who have internalized the relevant ideology to act precisely as they intend, without barrier or interruption. It's simply that these actions demand more of them.

How, then, can we supplement the uptake denial model with a suitably structural explanation for agential injustice? After examining the prospects for a structural uptake denial model (section 3), I argue that the feminist notion of *social intelligibility* is better suited to the

² On adaptive preferences, see Khader 2011. On relational autonomy, see Mackenzie and Stoljar 2000. See Hirji 2021; Hirji 2024 on double binds and how oppression can affect the character of our choices. See also Webster 2021; Ward 2025 for discussion of agency and oppression. Some theorists also argue that oppressive environments be *coercive*, render oppressed people's choices unfree (see Card 1986 for criticism and discussion of this view).

³ It is obvious that oppression can affect our *general* abilities, and the mechanisms for this are familiar. Poor and racialized people denied good schooling might never cultivate the ability to *read*. Women barred from driver's ed and prevented from accessing cars might never cultivate the ability to *drive*. In cases like this, we can appeal to various features of their oppressive environments to explain why they lack the general ability to *read* or *drive*. But this is different from saying that oppression could explain why they *here are now* cannot drive, despite having the general ability to drive. (See Mele 2003 on the general/specific ability distinction.)

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 what’s unjust about cases in which an agent is not treated as meeting the standards for some action from cases in which the standard for action just is different for some groups.⁴ And it 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.

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 an act of refusal. As a result, she doesn’t refuse: “Sometimes ‘no,’ when spoken by a woman, does not *count* as the act of refusal.”⁵

In this case, 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 *discursive* injustice, a form of injustice that specifically affects one’s abilities to navigate discursive conventions.⁶ Following J.L. Austin’s notion of “uptake”, then, theorists ask how others’ responses to speech acts can affect whether those speech acts come off.⁷

Perhaps this story works well when it comes to discursive injustice. But oppression can also affect our abilities to do things *without* words, as these cases (adapted from Elizabeth Anderson and Marilyn Frye) demonstrate:

⁴ I am indebted to Elinor Mason for this way of putting the point.

⁵ Langton 1993, 321

⁶ R. Kukla 2014; Tanesini 2020. See Green 2017 on “conversational injustice.”

⁷ Marilyn Frye also gives a well-known case of a woman who cannot *express anger* to a man who views her as hysterical: “Deprived of uptake, the woman’s anger is left as just a burst of expression of individual feeling. As a social act, an act of communication, it just doesn’t happen” (Frye 1983, 87). Or see Talia Bettcher’s discussion of trans peoples’ inability to *avow their genders* in transphobic environments; under these conditions, “the very notion of ‘coming out’ or ‘telling the truth about oneself’ becomes an impossibility” (Bettcher 2006, 189).

Expression of Affection: In Western societies, men and women are offered distinct “normative 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”.⁸ In a particular heteronormative context, a woman may simply not be able to express affection by leading her partner onto the dance floor.

Sex: In certain contexts, understandings of sex are deeply imbued with phallic, 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*?”⁹ Despite engaging in bodily movements and enjoying physical 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.’”¹⁰

The narrow, speech-act-focused sense of “uptake” cannot be all that matters in cases of broadly agential injustice. But a charitable understanding of the uptake denial model can accommodate this: perhaps others’ broadly socially cooperative reception of our actions is what permits – or prevents – them from coming off.¹¹ On this picture, agential injustice need not manifest in a specifically *linguistic* misfire, but it does manifest in what we might call an “interactive failure.” A member of an oppressed group attempts to do something but finds her attempts interrupted or thrown off in a way that changes the kind or success of the interaction she is having.¹² This

⁸ Elizabeth Anderson 1993, 18

⁹ Frye 1990, 307

¹⁰ Frye 1990, 308–9

¹¹ Indeed, many uses of “uptake” depart from its narrow, 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 philosophical example of its use. While much of their work is in speech act theory, Quill Kukla also uses “uptake” to refer to cooperative responses to things we do without words (e.g., in Q. R. Kukla 2021, where they discuss “competent uptake” of a sexual partner’s “bodily responses”).

¹² Some interactive failures involve straightforward ability deprivation: an agent tries to refuse but lacks the ability to do so. Another form of interactive failure discussed in the literature on discursive injustice involves oppressed persons who are deprived of one specific ability but empowered to perform some less efficacious, less desirable (even downright undesirable) one. For instance, they are deprived of the ability to *order* but permitted to *request* (R.

can even explain how interactions between two people with coordinated plans can be thrown off by the fact that others not party to the interaction decline to afford them uptake. For the lesbians, it may be that their mutually agreeable plan to have sex is affected by the fact that no one in their society would take them to be having sex. While they might proceed nonetheless, this might affect 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 they can say truthfully about what happened, what knowledge they possess about the interaction, and so on.

Unsurprisingly, such verdicts are controversial. As many commenters point out, it seems implausibly strong to hold that the woman in *Refusal* doesn’t refuse *at all*; perhaps she refuses unsuccessfully, or without the usual and desired effects of refusal. But this is different from saying she *doesn’t refuse*.¹³ 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 this depends on the details of the mechanism. So, an inquiry into the mechanism of agential injustice requires at least an open mind when it comes to interpreting 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.¹⁴ (1) It takes agential injustice to involve interactive failure, and (2) it treats denials of uptake as the explanation for this failure. Third, and relatedly, (3) the uptake denial model posits *culprits* for agential injustice: when uptake denial is unjust, uptake deniers are perpetrators of injustice. I argue in the next section that each aspect of this model is overly limiting when it comes to understanding the mechanism of agential injustice.

2. The agential contribution model

In this section I consider how women’s abilities to *forgive* can be affected in oppressive contexts. My contention is that oppression can twist our abilities by reshaping which more-

Kukla 2014), or deprived of the ability to *refuse* sex but permitted to *consent* to it (see discussion in Wieland 2007; Maitra and McGowan 2010). I intend “interactive failure” to cover both.

¹³ See, e.g., Bird 2002

¹⁴ Because my aim is to evaluate the uptake denial model *as a model for agential injustice*, I don’t mean this to accurately characterize any extant view in speech act theory.

basic actions are required to perform complex acts in certain contexts, and that this need not involve any interactive failure. In particular, oppression shapes the contours of complex act-types like *forgiving*, *caring*, and *apologizing*, in ways that sometimes require more demanding agential contributions of women (and feminine-presenting people). Forgiving might systematically require such people to make more demanding (effortful, costly) agential contributions than men (and masculine-presenting people) must make to do the same. Insofar as this plausibly involves a distinctively agential form of injustice, the implications for our inquiry must be explored.

Let me make this more concrete. Forgiving is a complex action; acts of forgiveness depend on various more-basic actions like *speaking*, *embracing*, *cooking a meal*, *typing a text message*. And these, in turn, depend on even more basic actions (*moving one's mouth*, *wrapping one's arms...*).¹⁵ 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 itself, but common candidates include: (1) withdrawing, 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 text message*, *whispering*, 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 (familial, romantic, social) relationships. This relates to differences in the “going rate” – the expectable desirable attitude or behavior for a man or woman in one's social context.¹⁶ Given this, successfully performing the acts on which forgiveness depends *qua* woman might require that one not only engage in open-minded and emotionally vulnerable conversations, but must also *plan*, *sensitively initiate*, and *thoughtfully*

¹⁵ I assume the existence of *more* and *less* basic actions, though I don't take a stance here about 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.

¹⁶ This term is from Hochschild 2003, 54.

process these conversations in ways that men are not expected to.¹⁷ 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 the warmth and softness expected of someone of her gender. 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-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 social sensitivity in many contexts.¹⁸

The result is that women occasionally find themselves needing to *do more* to forgive. Furthermore, because of what are sometimes called ideological “looping effects,” these expectations serve, over time, to encourage the cultivation of women's (general) ability to forgive in particularly impressive and capable ways.¹⁹ High expectations for forgiveness in one context can translate to more robust abilities to forgive in others, which in turn strengthens our high expectations for feminine forgivers, and so on. As a result, demanding feminine forgiveness is normalized in ways that invisibilize its demandingness and the effect strengthens itself over time. Demanding feminine forgiveness is *just what's done*.

Of course, there is nothing odd about the fact that we often perform different more-basic actions to successfully 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 me; maybe we're out of

¹⁷ See Ellie Anderson 2023 on the gendered dimensions of relationship management labor.

¹⁸ Previous theorists of forgiveness have noted the relationship between forgiveness and oppression, including its association with “essentially feminine” traits as well as its racialized dimensions. But these discussions either focus on a tendency to *morally evaluate* acts of forgiveness along gender/race lines, rather than on our actual ability to forgive (MacLachlan 2009; Cherry 2021; Norlock 2008), or focus on how the uptake denial model can inhibit an oppressed persons' abilities to forgive (Milam and Brunning 2018).

¹⁹ Hacking 1996; Langton 2009, chap. 12; Haslanger 2012; Bianchin 2020

paper or the internet is down, so my act is shaped by fortune. But whether I apologize by sincerely saying the words “I’m sorry,” or by doing this *and* repeating these words imploringly while exhibiting various 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 socioeconomic class, race, and/or gender.

Sometimes, the only route to successful apology for people of my social group is more winding, costly, and treacherous, than what lays before those who are dominantly situated. It is like consistently needing to light a fire by rubbing two sticks together while others can simply strike a match.

Is this a matter of denied uptake? Sometimes, uptake denial can function as a tool for extracting more effortful performances of particular acts from disempowered people, for example, when someone will deny me uptake *unless and until I forgive more warmly*. When this is the case, I will attempt to forgive in a less demanding way, and even take myself to have forgiven, but their denial might interrupt, complicate, or throw off what I’ve done. Many cases are aptly described this way, involving both denials of uptake and the extraction of greater agential contributions from (would-be) forgivers.

Other cases, however, depart from each aspect of the uptake denial model sketched above. First, they may involve no interactive failure. Consider that women have often internalized the gendered “going rate” for forgiveness just as much as those around them.²⁰ Their behaviors will often reflect a sense that they haven’t forgiven until they’ve met an especially demanding set of standards (often, a set of standards they don’t realize is especially demanding because of the aforementioned invisibilizing effects). In such cases, (would-be) forgivers, wrongdoers, and all other involved parties operate seamlessly under the assumption that their forgiveness only *makes sense* when it involves, say, the warm and wholehearted banishment of negative emotions. All parties treat this as the relevant reparative “move” within the familial or social context.²¹ In

²⁰ Internalization of the “going rate” can be especially likely given the proliferation of morally laudatory stereotypes about women’s “naturally” proficient virtue. See MacLachlan 2009; Manne 2017; Martin 2021; Holroyd 2025 for related discussion of praise and other perniciously positive reinforcement of feminine stereotypes. As Jean Hampton 1993, 148 writes, “What better way to promote this useful servitude than by continually commending such people as ‘moral,’ ‘saintly,’ ‘devoted,’ ‘virtuous?’” For many women, being especially proficient forgivers (carers, teachers, etc.) is wrapped up in their moral identities.

²¹ Consider also that some lesbians responded to their unlikelyhood to receive uptake as having sex with one another 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 “the thing that’s so nice about being a lesbian is that nobody needs to get fucked”). Though I lack the space to explore this here, it is worth flagging that oppressed groups sometimes wield the unjust standards for the performance of socially significant actions for their own creative and liberatory aims.

such cases, we find interactive success precisely because ideology has become, as it is often put, *hegemonic*.

This is closely related to the idea that the simple uptake denial model posits a culprit. In cases of interactive success, all parties seem to perpetuate the unequal standards for forgiveness to a roughly equal degree. This, at minimum, seems to complicate how we identify culprits, and, more to the point, the nature of their crimes.²² 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” usually 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 doesn’t need to be denied for injustice to obtain. My point here is not that we cannot assign responsibility *of any kind* for the relevant injustice.²³ Rather, it is to point out a distinction between responsibility for one’s *behavior* in an interaction and responsibility for the *context* in which the interaction takes place. If there are culprits to be found, their crime is best characterized as a failure to *transcend* or *resist* the context, in a way that might *itself* impose an interactive failure (or, at least, an awkward redirection). In the next section, I’ll return to the question of whether and how this can be captured with a more complex notion of “uptake.”

For the moment, I’ve hoped to show that we must look beyond the simple uptake denial model to understand how the agency of women and others is distorted under oppression. The natural thing to say of such cases is that the agential injustice is distinctively structural. It must be explained in terms of (familial, social, romantic) contexts – contexts that put wives in certain relations to husbands and mothers in certain relations to sons – and *not* in terms of any individual’s behavior within those contexts.

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 of behavior that results in interactive failures – and injustice associated

²² 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 some wrong associated with the twisting of the forgiver’s specific ability.

²³ See, e.g., Collins 2025, for an argument that structural injustice need not involve culprits “in the sense of being warranted targets of individualized resentment and indignation” (713), but can nonetheless render it appropriate to hold grievance attitudes toward structures themselves.

with what we might call “bad contexts for behavior.” My contention is not that theorists of uptake are unconcerned with the contexts for our actions. They 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 particular kinds of pernicious, agency-compromising behavior – and treating something about context as *itself* the explanation for effects on abilities.²⁴ This forces us to look beyond the simple uptake denial model. In this section, I’ll entertain and reject a more complex version of the model.²⁵

Some theorists have already undertaken this project of complexifying the uptake denial model.²⁶ It may turn out to be totally explanatorily adequate (albeit slightly personifying) to talk of the *structures* – as well as the individuals – which, in some sense, themselves deny oppressed persons socially cooperative reception of their agential contribution. Talk of “uptake-denying structures” would honor the idea that characterizing something about the context for our behavior does important philosophical work when it comes to explaining agential injustice and would not require the introduction of a new concept.

I’ve said I’m understanding uptake broadly in terms of “socially cooperative reception” of a person’s action. 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 expressions of anger 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

²⁴ To put this another way: on the simple uptake denial model, it may be that *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 an injustice enacted by a particular culprit. (In much the same way, we can say that 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 “How does oppression affect our specific abilities?”, and a structural answer to the further question “What offers uptake deniers the authority to do so?”

²⁵ I am grateful to Elinor Mason for pressing me to explore the alternative views in this section, and to Andrew Lichter for helpful discussion that informed my thinking.

²⁶ I have in mind Harrison and Tanter 2024; Mühlebach forthcoming as advocating for a version of this approach (though Harrison and Tanter remain focused on speech acts in particular). Q. R. Kukla 2023, 8 refers to “community uptake”.

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 to say that *actual uptake* is required for (successful) action.²⁷ If we only act when we receive uptake, acts that take place without any (present or future) audience are *not actions at all*.²⁸ 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 (because our act is just never witnessed or discussed), we can act.

The natural move is to shift to representative uptake. We act when are alone, not because someone will *in fact* give our behavior uptake as the act it was, but because a suitably 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 given 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, in the sense of 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 a

²⁷ de Gaynesford 2011 helpful canvasses which speech acts are plausibly “uptake-dependent” and which are not.

²⁸ Nor does it help to qualify “uptake” to include temporally distant uptake, or uptake from *any* kind of (broadly construed) “audience.” Sometimes we simply act without an audience. Mühlebach forthcoming seems to bite this bullet, conceding that they are interested exclusively in “agency” that “makes a social difference”. They therefore embrace the odd result that when our actions don’t make a social difference, *we don’t exercise our 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. For theorists operating with a notion of agency as acting intentionally and for reasons, for instance, this might be an interesting example of agency. *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).

kind of agential order which may or may not, in fact, be established, referenced, and reinforced via actual uptake.

But as soon as we appreciate this gap between uptake *itself* and the “types of doings” to which uptakers refer, the proposal to talk of both in terms of “uptake” becomes strained. One is about *particular actions* and the other is about *what allows behaviors to count as (particular) actions*. One describes *tokens* and the other appeals to *types*. 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 favor an approach that reserves the term “uptake” to refer to act tokens, and not for the contexts that make types instantiable. We need, after all, to be able to talk about the relationship between the two; they are not one and the same.

4. Socially intelligible agency

As will ultimately become clear, the relationship between token acts of uptake and types of doings is more complicated than what I’ve presented thus far. But, in the meantime, this oversimplification will allow us to distinguish different mechanisms through which agency can be frustrated. In this section, I’ll canvas four different kinds of agential failures, then offer a tentative positive proposal concerning the failures imposed by agential injustice.

Here are four distinct 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.²⁹ The movement is recognizable as an instance of “stealing”, but *I’m* not stealing, since I’m not the source of it. This is such a familiar kind of agential failure that it is sometimes thought to be the only kind; as Brian O’Shaughnessy writes, “Common to all experiences of loss of agency is the sense of becoming a spectator of one’s own actions.”³⁰ 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, a large gust of wind blows through 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

²⁹ This example is from Velleman 2004, 225.

³⁰ O’Shaughnessy 1980, 36; quoted in Velleman 2004, 226

produce the intended effects in the world with those movements. Call these “production failures.” They threaten a second aspect of agency: actions *produce an 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 in light of 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 an extremely convincing VR headset. So, while I am actually running and kicking, my runs and kicks don’t mean what I think they do. I’m only contacting props, so I’m 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*.³¹

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 don’t have a VR headset on 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., moving my leg in a way that sends the ball into the back of the net, and even doing so via the same sequence of movements as others). There is something about acts like *scoring a goal* that mean 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 as a player 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

³¹ See Muñoz 2021 on the idea of action as a “response to a situation.” I am grateful to Dan Muñoz for helpful conversation about this point.

analogized to games.³² Sally Haslanger develops a version of this view that secures an important feminist point: even ideological and unjust practices constrain and enable our agency.³³ 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* in order 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 soccer players*. 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, in a way that my decisive kick as a *non-player* simply cannot.

Practice views of action make it possible to capture type-instantiation failures as distinct from production failures. And this is easy to overlook, since these two kinds of failures nearly always coincide. Failing to instantiate a certain act-type in the hoped-for way typically *also* amounts to failing to produce the effects I aim to produce. My failure to *score a goal*, after all, involves a failure to elicit the preferred responses from my audience (the fans, players, and 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.

This is, I think, what makes the uptake denial model such a tempting explanation for 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*. In short, *they just can't get 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 barriers to producing those effects. This is also what leads us to search for culprits in uptake deniers, those who refuse to be affected in the right ways by what we're doing, who refuse to be moved around. No doubt, this captures much of what's experientially frustrating about many acute manifestations of agential

³² Schapiro 2001; Schapiro 2003, inspired by Rawls 1955, defends this view (see Millgram 2020 for discussion). Rawls uses the example of baseball game rules.

³³ 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; Vargas 2024; Timpe 2019; Wallace in preparation).

injustice: it imposes causal inefficacy on agents whose intrinsic agential features seem unimpeachable.³⁴

But we cannot reduce agential injustice as, in general, a matter of productive failure. To do this is to get the explanatory story backwards. Victims of oppression often fail to cause the right effect in the world *when and because they fail to instantiate the relevant type* (or, because they only instantiate the relevant type by behaving in particular ways). Thus, we often need to appeal to this failure of type-instantiation to explain the productive failure. Merely affecting the world – moving around matter – is not all we care about when we value our agency. We strive, as agents, to affect the world *in particular ways*. And unequal standards for instantiating those types are unjust, even setting aside the maddening causal inefficacy they impose.

With this distinction firmly in hand, we can now assess the progress we’ve made on our central question. What we need is a helpful bit of conceptual machinery 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 bit of conceptual machinery for describing oppressed persons systematic vulnerability to productive failures. I propose that the feminist notion of *social intelligibility* supplies this.³⁵ For it is precisely by failing to play by the “rules” of social intelligibility that one finds her abilities impacted, here and now. The women in our cases are trying to do something (refuse, express affection, have sex) that it doesn’t make sense for “people like her” to do like that in contexts like this (often, leading interlocuters to deny her 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 soft, feminine ways to make herself comprehensible as forgiving. We can therefore identify a corresponding agentive modal property – an ability to ϕ *in a socially intelligible way*, or, an “SI-ability” – affected in these cases. Even when we’re perfectly able to refuse or forgive in general, certain contexts force us to ask whether we have a closely related ability to do so in a way that will make sense in these situations.

³⁴ Kukla in particular often seems to overemphasize this dimension of agency, writing that “Actions are individuated by what they *accomplish*”, by how they “concretely affect people’s behavior” (Q. R. Kukla 2023, 2–3). This is not to say that uptake theorists are not concerned with our abilities to perform *particular actions*, understood, importantly, as types like *refusal*, *consent*, and so on. (Indeed, Langton’s original choice to distinguish perlocutionary and illocutionary dimensions of speech is highly sensitive to the significance of type-instantiation.) My concern is with an over-focus on causal efficacy in the explanation for *how these abilities are affected by oppressive circumstances*, that is, via appeals to the causal effect my behavior has on my (would-be) uptaker.

³⁵ This term appears in a wide range of anti-oppressive work. I primarily have in mind Frye 1983’s usage. Haslanger often writes about “meaningful” action. While I take my discussion here to be very much in the spirit of her view, I won’t comment on the relationship between her “meaningful” and my “socially intelligible” action.

Thus, agential injustice is often a function of the very “rules” of interactive activities – conversation, sex, romance, moral repair – through which we, in acting, strive to 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 couples 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 categorize what they’re doing in terms of recognizable types.³⁶ Under these conditions, if there are subaltern contexts in which lesbians can intelligibly have sex, these contexts – what María Lugones theorizes as “worlds of sense”³⁷ – are importantly cut off from *what makes sense* in the broader society. And this has consequences for what we are able to do, here and now.

There is much more to say about SI-abilities and their significance for our agency. For we may still want to ask whether SI-abilities are the sorts of abilities that *make us agents*,³⁸ abilities whose absence spells a kind of thoroughgoing agential decay. It is not uncommon, after all, to find oppressed persons explicitly *rejecting* demands of intelligibility.³⁹ It is clear, however, that the loss of a great number of SI-abilities is untenable for the healthy human agent. While many oppressed persons would prefer to occasionally eschew demands for intelligibility from oppressors, it must also be conceded that “being totally unintelligible to them could be fatal.”⁴⁰

Thus far, I have argued for a move away from the uptake denial model in understanding this phenomenon. 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* authoritative in settling whether and how we can act. As I’ve tried to show, there is an important gap between whether my action *makes sense* and whether it is (in fact) cooperatively *taken up* by others.

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

³⁶ Frye 1990, 311

³⁷ Lugones 2022

³⁸ I borrow this way of putting the point from Bobby Wallace. I am also indebted to him for helpful discussion about agency.

³⁹ See footnote 21. I interpret some rejections of the demand of intelligibility as rejections of the responsibility to do the labor associated with making oneself intelligible (see, for instance, Ienni 2023 for a good example regarding demands for disabled people to make their bodies and minds intelligible to nondisabled people to secure reliable access supports).

⁴⁰ Frye 1983, 106

makes social sense, some instances of what we call “uptake” involve the reparative, creative work associated with *making sense of* a person’s (yet unintelligible) agential contribution.⁴¹ And this creative 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.⁴² “Uptake” can signal cases in which an individual has sufficient power and authority to settle what makes sense, because they can themselves settle *what we’re up to*. 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.

To see this, consider Tamar Schapiro’s discussion of *negotiation*. Assuming that 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*. Sometimes other people abandon this standard. You might find yourself in a negotiation with someone who declines to govern themselves by this ideal, instead giving “the appearance that he is negotiating, while stalling for time.” 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?”⁴³

This example demonstrates how others’ behavior can complicate the constitutive success of our interactive actions. By rendering our negotiation a “sham”, our non-compliant interlocuter “deprive[s] our well-chosen conduct of its proper significance.”⁴⁴ The uncooperative behavior of others not only threatens the “*productive* success” of our actions – their promotion of the ends they are designed to bring about –, but also their “*constitutive* success” – their counting as an instance of the intended type of action at all.⁴⁵ It can render us less-than-full-blooded

⁴¹ Thanks to Ishani Maitra for encouraging me to think about this use of “uptake”.

⁴² This basic idea, that uptake situates speech acts as contributions to some discursive convention or other, comes from Austin’s original discussion. See Q. R. Kukla 2023; Harrison and Tanter 2024 for recent discussion that emphasizes the relationship between uptake and discursive conventions. 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).

⁴³ Schapiro 2003, 337

⁴⁴ Schapiro 2003, 340

⁴⁵ Schapiro 2003, 337

participants in an activity, despite our well-intentioned efforts, 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 wield the authority to shift the context for behavior.

This means we must distinguish different agential threats imposed by “uptake denials”. First are uptake denials which affect only the productive success of our actions: I (in fact) *forgive, refuse, or express affection*, but you uncooperatively refuse to act in ways that reflect this (perhaps even because I’m a woman): you refuse to let my actions affect you, refuse to be moved around. Second are uptake denials that function to 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 participating, you can (sometimes) decline to engage in the reparative work required to *make 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. Setting aside the question of material consequences, the *agential* failure here is more devastating, more complete.

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*? The framing of this question accords with Serene Khader’s framing of the “agency dilemma” in feminist theorizing. We are, Khader thinks, forced to choose between “agency affirmation” and “agency denial”, asking: “should we see oppressed people as agents whose choices are worthy of unquestioning respect [and thereby risk obscuring the reality of their victimization] or victims who cannot make genuine choices?”⁴⁶ We can now see that the question is not whether such people act *at all*, but what aspects of agential success are available to them, and what kind of agential failures are imposed. There is a difference between concern with the causal efficacy of our actions and a concern with which act-types are available to us. Productive success is easy to track – one can simply look and notice that “powerful people can generally do more, say more, and have their speech count for more than can the powerless.”⁴⁷ They can push around other agents just as they can move around matter. But, as I see it, there is no direct, fully pre-

⁴⁶ Khader 2011, 31. The terminology of agency affirmation and denial (as applied to Khader’s agency dilemma) comes from Ward 2025.

⁴⁷ Langton 2009, 30

theoretical route to settling the extent to which type-instantiation is threatened by oppression. Determining the strength of verdicts requires engaging in a first-order negotiation about what is involved in instantiating the relevant types, asking: what *does* it take to refuse, have sex, forgive? It might, indeed, involve philosophizing directly about the nature of these types.⁴⁸ I suspect that we can only size up agential threats in this piecemeal process, one that takes seriously the distinct functions, meaning, and significance of particular types of doing.

I've argued that oppression twists our agency by shaping which actions *make sense* for certain kinds of people to perform in certain ways if they are to instantiate the relevant, socially mediated act-types. When oppression affects our specific abilities, it is by affecting what it takes to act in socially intelligible ways. Uptake denial retains an important place in theorizing agential injustice, both as a manifestation of the productive success of our actions, and (when uptakers have sufficient power) because it can shift the very contexts for making 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.

⁴⁸ Many contributions to the vast literature on forgiveness serve this function. For a nice exploration of what it takes to *have sex*, see Christina 1992. I undertake this project as it relates to the act-type of *loving*, with an eye specifically to oppression, in Sicilia forthcoming.

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