

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

Abstract: Feminists are concerned with the unjust distribution of material and epistemic resources; oppression makes women and gender minorities worse off and deprives us of concepts for understanding this disadvantage. More intriguingly, some strands of feminism also take the unjust distribution of *agentive modal properties* (skills, capacities, abilities) to be a central locus of oppression and thus a central concern for the movement. In this paper I ask: oppression can affect our specific abilities – our abilities to act, here and now –, what is the mechanism by which this occurs? I argue that the usual story, which says that denials of uptake deprive us of abilities, must be complicated (section 1). In addition to depriving us of abilities, oppression can *twist* our abilities, systematically shaping 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). I argue that cases of deprived and twisted abilities can be unified by an appeal to the feminist notion of *social intelligibility* (section 3). 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.

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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 situations.² But it is one thing to claim that one’s social environment can affect her autonomy or

¹ For a helpful summary of this view and relevant citations, see Khader 2024; Kim unpublished.

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

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?

A now-familiar answer appeals to cases involving ability *deprivation*: a disabled woman is unable to *consent* to a medical procedure, despite uttering the same words as her nondisabled male counterpart. Often focused on *speech* acts, this view appeals to the significance of “uptake” to explain such ability deprivation (section 1). But none of these features, it turns out, are essential to explaining agential injustice. Oppression can twist 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).

But this leaves us with two, seemingly disjointed kinds of agential injustice: cases of deprived and twisted abilities. I argue that these mechanisms can be unified by an appeal to the feminist notion of *social intelligibility* (section 3). 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.

1. Uptake denial and deprived abilities

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

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.)

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."⁴

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 instances of *discursive* injustice, a form of injustice that specifically affects one's abilities to navigate discursive conventions.⁵ 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.⁶

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:

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".⁷ 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*?"⁸ Despite engaging in bodily movements and enjoying physical

⁴ Langton 1993, 321

⁵ R. Kukla 2014; Tanesini 2020. See Green 2017 on "conversational injustice."

⁶ 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).

⁷ Elizabeth Anderson 1993, 18

⁸ Frye 1990, 307

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. Some conclude that they “quit having sex years ago”; 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.’”⁹

The narrow, speech-act-focused sense of “uptake” cannot be all that matters in cases of broadly agential injustice. But this can be accommodated on the uptake denial model. Perhaps others’ broadly socially cooperative reception of our actions is what permits – or prevents – them from coming off.¹⁰ Some theorists add that ability deprivation occurs via the operation of a particular subset of ugly ideological propositions; namely, propositions about the suboptimal (or non-existent) agency of oppressed persons.¹¹ Men draw on *objectifying* ideas, drawn from pornography, that rank “women as things, as objects, as prey” rather than human agents.¹² Heterosexists draw on propositions casting lesbians as “invisible, inaudible, imperceptible, ineffectual” in dominant culture.¹³ And this, many think, is what deprives women of certain abilities.

While this basic story may be familiar, the verdicts in these cases are deeply 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*.¹⁴ Similarly, we might insist that 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.

⁹ Frye 1990, 308–9

¹⁰ Indeed, many uses of “uptake” depart from its narrow, technical (and disputed) meaning in speech act theory; see, e.g., Dembroff and Saint-Croix 2019, for a good philosophical example of the more capacious use.

¹¹ This does not require *belief* in objectifying propositions. See Haslanger 2017 on a non-cognitivist conception of ideological formation, on which propositions might operate in other ways (maybe people accept or suppose them; unthinkingly enact practices, or wield concepts, that are underpinned by these propositions; use these propositions to justify their behavior, even absent belief in them; etc.).

¹² Langton 1993, 312. More sophisticated discussions of silencing nonetheless typically hold that men draw on propositions casting women as suboptimal agents: women’s refusals are thought to be insincere, insufficiently authoritative, or reflective of confusion about their true feelings (see, e.g., McGowan 2017).

¹³ Card 1998, 208. See also Calhoun 2023; Rich 2003 for discussion.

¹⁴ See, e.g., Bird 2002

But this “uptake denial” model gives us a good place to start. Might agential injustice, then, always operate via denials of uptake that deprive us of specific abilities? Might it, furthermore, involve the operation of propositions about suboptimal agency? 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. Agential contribution and twisted abilities

In this section I argue that women’s ability to *forgive* can be affected in oppressive contexts. My contention is that oppression can *twist* our abilities – reshaping which more-basic actions are required to perform complex acts – rather than just straightforwardly deprive us of abilities. In particular, oppression shapes the contours of complex act-types like *forgiving*, *caring*, and *apologizing*, in ways that 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. If this is right, the implications for positing this “agential contribution model” of agential injustice alongside the familiar uptake denial model 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 forswearing 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

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.

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 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

If this is correct, the agency of women is distorted under oppression in a way that departs from each aspect of the uptake denial model. First, agential injustice does not obtain in the operation of ideological propositions about women’s suboptimal agency, let alone *objectifying* ideas. It is ideas about their “*naturally*” *proficient virtue* that lead us to expect them to forgive in more effortful, attention-requiring ways. Women are *more* forgiving and *better at* forgiving – especially when this serves men’s interests. While less abrasive than ideas about morally vicious agency, morally laudatory stereotypes are no less effective in shoring up women’s

¹⁶ This term is from Hochschild 2003, 54

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).

subordinated position. Compliments reinforce behavior, praise can anesthetize distress, and insistence on a rosy picture of one's role in the status quo makes resistance less appealing.¹⁹ As Jean Hampton writes, "What better way to promote this useful servitude than by continually commending such people as 'moral,' 'saintly,' 'devoted,' 'virtuous'?"²⁰ Women are not, at any point, treated as (or believed to be) "bad agents", as is often implied by the uptake denial story.

Second, and more to the point this form of agential injustice does not result in ability *deprivation*. Instead of lacking the ability to forgive, women may simply find themselves needing to *do more* to forgive. Their specific abilities are, as I've put it, *twisted* – they are reshaped to compose a different set of more-basic actions. 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.²¹ High expectations for forgiveness in one context can translate to a more robust ability to forgive in others, which in turn strengthens our high expectations for feminine forgivers, and so on. It is, I think, a stretch to describe this as *ability deprivation*.

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 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 always needing to light a fire by rubbing two sticks together while others can simply strike a

¹⁹ See MacLachlan 2009; Manne 2017; Martin 2021; Holroyd 2025 for related discussion of how praising and otherwise reinforcing morally laudatory feminine stereotypes.

²⁰ Hampton 1993, 148

²¹ Hacking 1996; Haslanger 2012; Bianchin 2020

match. My suggestion is that this systematic distortion of the contours of certain act-types is a manifestation of agential injustice. If this is right, uncovering the mechanism of agential injustice is not just a matter of understanding uptake; it requires that we unify cases of deprived and distorted abilities.

3. Socially intelligible agency: a unifying explanation

We've seen that agential injustice can occur when our abilities are deprived or twisted. These seem like distinct stories, posing distinct threats to agency. Should we conclude that agential injustice is irreducibly pluralist, that there is no single, underlying mechanism to be found?

The feminist notion of *social intelligibility* provides a unifying story. In ability deprivation cases, it is precisely that one is unable to ϕ in a socially intelligible way that renders her unable to ϕ . She is trying to do something (refuse, have sex) that it doesn't make sense for "people like her" to do like that, and the lack of uptake she receives is evidence of this. In twisted ability cases, it is precisely because "people like her" must ϕ 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.

So far this is merely suggestive. My aim here is not to stipulatively insist that ϕ ing *at all* is socially intelligible ϕ ing – certainly not for all act-types. It is, rather, to take seriously the significance of our abilities to do things in socially intelligible ways – call these "SI-abilities". This is the sense in which the assault victim *cannot refuse*, the lesbian *cannot have sex*, or the woman can only *forgive like that*.

The question, then, is whether there is some special relationship between SI-abilities and agency more generally. We should want to know if SI-abilities are especially significant abilities – perhaps, the sorts of abilities that *make us agents*.²² There is widespread support for the idea that socially intelligible action has, let's say, a *special significance* for our agency. A growing number of theorists defend broadly *anti-individualist* understandings of agency, on which acting is not only something we do ourselves, via manipulations of our bodies and minds,

²² I borrow this way of putting the point from Bobby Wallace. I am also indebted to him for many helpful discussions about agency.

but involves interaction with our social worlds.²³ Those who embrace a “practice view of action”, on which acting amounts to participatory move-making in practices analogized to games, can easily explain the special significance of social intelligibility, which is plausibly required to make moves at all.²⁴ Feminist theorists like Sally Haslanger draw heavily on this “practice view of action” in developing the idea that *social practices* – including ideological and unjust ones – constrain and enable our agency.²⁵ This is sometimes taken to be especially significant in the moral domain: Cheshire Calhoun, for instance, writes that we depend on practices of morality – in which we must make “socially legible” moves – to “do much of anything connected with morality at all.”²⁶

Even absent a background philosophical explanation for the special significance of SI-abilities for our agency, though, their importance is intuitive. Something like social intelligibility is uncontroversially among the success conditions for many act-types. Social intelligibility is necessary (though not sufficient)²⁷ for the technical sense of “uptake” that many speech act theorists think is required of acts like *betting*, *refusing*, and *thanking*.²⁸ This is most obvious when it comes to act-types heavily enmeshed in (social, legal, familial, economic) practices. As Quill Kukla points out, one does not *name babies* by running through a maternity ward shouting names, since their “behavior will not be recognizable as naming behavior.”²⁹ For this class of act-types, possessing the ability to ϕ *at all* requires possessing the SI-ability to ϕ ; one just cannot ϕ unless she does so in a way that others could possibly recognize as ϕ -ing. This seems true of many broadly *communicative* act-types. To have the ability to perform one of these acts, full stop, is to have an SI-ability.

For another group of act-types, social intelligibility is not straightforwardly among the success conditions for ϕ -ing at all. But, for these acts, the SI-ability to ϕ is treated as a *paradigm case* of the ability to ϕ . This seems true of what we might call broadly *interactive* act-types.

²³ Vargas 2013; Timpe 2019; Wallace in preparation. I use the phrase “anti-individualist” as an umbrella term intended to capture “ecological”, “social”, “externalist”, etc., views which ground one’s agentive modal properties and/or exercises of agency in features which are not intrinsic to the agent herself.

²⁴ Schapiro 2001; Schapiro 2003, inspired by Rawls 1955, defends this view (see Millgram 2020 for discussion).

²⁵ Haslanger 2017; Haslanger 2018; Haslanger 2019. In addition to holding that socially intelligible (sometimes, “meaningful”) action is of special significance, Haslanger also writes that “*Most* actions depend for their identity on satisfying constitutive norms of a practice” (Haslanger 2019, 111; italics added).

²⁶ Calhoun 2015, 15. See Walker 2008 for a similar approach.

²⁷ Social intelligibility may be closer to what Ethan Nowak calls “the *possibility* of uptake” (Nowak 2020, 851, footnote 32).

²⁸ See de Gaynesford 2011 for discussion of which act-types are “uptake-dependent”.

²⁹ Q. R. Kukla 2023, 3

Consider act-types like *winning* and *resisting*. I can invent a private game with baroque rules that are not (perhaps, could not be) intelligible to anyone but me. That I possess the ability to win the game is not utterly insignificant for my agency. But the SI-ability to *win*, the ability to win games whose rules can be recognized by others, is often what counts. When we think about being able to win, we think about winning *against others*, as having a social identity as a winner, and so on. Furthermore, there are contexts in which intelligibly winning is *all that matters* for one's ability to win. When playing a game with others, socially intelligible winning is the only winning there is.

The same may be true of *resisting*. There are contexts where we can exercise our ability to *resist* even when others couldn't understand what we are doing. We sometimes deliberately resist privately, to preserve our integrity, shore up our self-respect, or get a quiet thrill. Other times, it would be a failure if others could not recognize what we were doing *as* resistance. Resistance sometimes even requires the possibility of recognition by those we strive to resist.³⁰ The SI-ability to *resist* is, plausibly, even more central to the concept of "resistance" than the ability to do so unintelligibly. Indeed, the meaning of unintelligible resistance seems parasitic on the meaning of intelligible resistance.

It seems, then, that the performance of a socially intelligible act is often what's at stake for us, *qua* agents. When I say "what's at stake," I don't merely mean what we happen to care about. The context for our action can afford SI-abilities an explanatorily privileged status when it comes to the question of *what one is doing*.³¹ When we're *playing a game*, the question of whether I retain the SI-ability to win enjoys explanatory privilege (relative to whether I can win unintelligibly) when we ask what I'm doing. When we're engaged in a *power struggle*, the question of whether I retain the SI-ability to *resist* enjoys explanatory privilege (relative to whether I can unintelligibly resist) when we ask what I'm doing. The context for action fixes the explanatory relevance of the "paradigm" of the relevant act-type.

We can now appreciate the significance of social intelligibility for agential injustice more clearly. Oppression can affect one's specific ability to perform some action when performing that action *at all* requires performing it in a socially intelligible way, either because (1) social intelligibility is among the success conditions for the act-type (*communicative* act-types), or (2)

³⁰ Hollander and Einwohner 2004's typology of kinds of resistance nicely brings out these varieties.

³¹ This basic point comes from Rawls 1955

because social intelligibility is among the success conditions for the “paradigm” of the act-type, and, given the context, a “paradigm” performance is what’s relevant (*interactive* act-types).

Indeed, our cases are ones in which either communicative or interactive act-types are at stake. While engaged in sex, the ability to refuse *others* is what counts. While engaged in romancing, the ability to express affection *to others* is what counts. As Frye compellingly puts it, “What one cannot do without seeming excessively odd or unintelligible, one cannot do without severe disturbance to *patterns of interaction* upon which one’s life depends.”³² If our SI-abilities are twisted, our agency is twisted.

3.1. Social intelligibility as more than the likelihood of securing uptake

I’ve argued that the notion of social intelligibility can unify cases of twisted and deprived abilities. And I’ve said that this concept is better suited than the notion of “uptake.” At this point, an objector might reply in the following way. Why isn’t social intelligibility just a stand-in for *the likelihood that some agential contribution will get (a certain kind of) uptake*? The assault victim can’t refuse *because she’s unlikely to get uptake*, and the forgiver can only refuse *if she can act in a way that’s likely to secure uptake*. This brings us back to square one, to a more charitable interpretation of the original, uptake denial proposal. What, then, does social intelligibility add to our explanation?

The answer, in short, is that appeals to uptake will always be poor explanations for agential injustice *qua manifestation of oppression*, insofar as they appeal to *individual behavior*. But, to see this, we need to see exactly what kind of agential failure is imposed on victims of agential injustice.

Here are four distinct kinds of agential failures. The first kind of failure occurs when our bodies are uncooperative. 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.³³ The movement is recognizable as an instance of “stealing”, but *I’m* not stealing – 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 O’Shaughnessy writes, “Common to all experiences of loss of agency is the sense of becoming a spectator of

³² Frye 1983, 21

³³ This example is from Velleman 2004, 225

one's own actions.”³⁴ Call these “source failures.” They threaten an important aspect of agency: actions emerge from the right *sources*.

A second kind of agential failure occurs when the world is uncooperative. 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 produce the intended effects in the world. Call these “production failures.” They threaten a second aspect of agency: actions *make a difference*.

A third kind of agential failure occurs when *we* are uncooperative with 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 not playing any actual game, so my kicking a ball doesn't amount to my *scoring a goal*. Call these “responsiveness failures.” They threaten a third aspect of agency: actions *respond to situations*.³⁵

A final kind of failure occurs when our *social* worlds are uncooperative. Tamar Schapiro illustrates this using the example 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*. But sometimes *others* 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?”³⁶

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.”³⁷ The uncooperative behavior

³⁴ O'Shaughnessy 1980, 36; quoted in Velleman 2004, 226

³⁵ 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.

³⁶ Schapiro 2003, 337

³⁷ Schapiro 2003, 340

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.³⁸ It can render us less-than-full-blooded participants in an activity, despite our well-intentioned efforts, resulting in our behaviors not counting as the act-type they otherwise would. Call these “type-instantiation failures.” They, after all, threaten a final aspect of agency: actions *instantiate particular types* – what we might think of as “types of doings”.

It is easy to overlook type-instantiation failures, which nearly always coincide with production failures. Failing to instantiate a certain act-type despite my “well-chosen conduct” typically *also* amounts to failing to produce the effects I want to produce. My failure to *negotiate* involves a failure to elicit the preferred responses from my uncooperative interlocuter. It is tempting, then, to reduce the problem to a failure to *make a difference* of the right kind. This temptation arises in cases of agential injustice, too. 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*. We might think an uncooperative social world presents much the same problem as an uncooperative physical world. This reduction just is the reduction of *social intelligibility* to “likelihood to get uptake from others”. 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.

But a reduction of agential injustice to productive failure gets the explanatory story backwards. Victims of oppression fail to make the right kind of difference in the world *because they fail to make sense* (or, because they only *make sense* by behaving in particular ways). And this is precisely because of the existing standards for *instantiating the relevant “type of doing”*. Thus, we need to appeal to this failure of type-instantiation to explain the productive failure. The problem is not a failure to be *understood* (by particular persons), but a failure to be *understandable* – given what we, collectively, are up to.

And this is what allows us to describe the agential failures at issue as manifestations of *oppressive injustice* and not simply a series of regrettable agential flukes. As Annette Martín points out, oppressive systems are not merely collections of events, nor even patterns of events, but *collections of patterns of events* importantly connected to ideologies. They are vast, complex, interactive, functional systems, which cut across various (legal, epistemic, interpersonal, etc.)

³⁸ Schapiro 2003, 337

domains.³⁹ Thus, when we refer to agential injustice *qua* manifestation of oppression, we are not just interested in (say) a pattern whereby oppression affects disabled women's abilities to *consent to medical procedures*. We are interested in this pattern, alongside a pattern whereby oppression affects their abilities to *mind their manners*, a pattern whereby oppression affects their abilities to *testify*, a pattern whereby oppression affects their abilities to *parent*, and so on.⁴⁰

To explain how *oppressive* agential injustice works, then, we need to appeal to a phenomenon that cuts across these collections of patterns of events – a feature of *society* and not merely a feature that is common to each individual event. If agential injustice only twists our agency *qua* production, we would explain agential injustice as an *aggregation* of oppressed person's (in)abilities to *produce certain effects* in certain ways.⁴¹ But this describes the symptoms, not the disease. We need an explanation of how the *system* relates to our actions. We need a story that appeals to the *participatory* dimensions of our actions. We need to see how acts are what they are partly in virtue of their roles in *societies*.

Understanding action as type-instantiation allows us to do this. Activities like conversation and sex are things we do via interactive, standard-governed participation. And what allows a contribution to those activities to *count* as the right kind of participation is partly determined by what's *socially intelligible*, or what *makes sense in our society* – across different collections of patterns of similar events. This settles what counts as an intelligible “type of doing.” Thus, agential injustice cannot be explained, first and foremost, as the aggregation of oppressed persons' productive failures. It is, fundamentally, a problem with the very “rules” of interactive activities – conversation, sex, romance, moral repair – in which we must, in acting, participate in society. According to (dominant) “common sense” in oppressive societies, *having sex* is not a type of thing lesbians can do. This is why sexual experiences become “utterly inarticulate [...] pre-linguistic, non-cognitive” for lesbians.⁴² The injustice lies in the fact that what perpetrators of oppression are doing often *makes more sense* than what their victims are doing (or, trying to do). Like a negotiator operating in “good faith”, oppressors are acting as full-fledged participants in the relevant activity. But this is only because they wield undue power in the regulation of sense-making itself.

³⁹ Martín 2024

⁴⁰ Martín 2024

⁴¹ Martín in preparation makes a related point about aggregation and explanation of the persistence of oppressive systems.

⁴² Frye 1990, 311

If this is right, the deprivation and twisting of abilities are two sides of the same coin. Oppression twists our agency by shaping which actions *make sense* for certain kinds of people to perform in certain ways if they are to participate fully in society. Oppressed persons' failures to produce effects, while significant, are symptoms of the deeper problem. The real injustice lies in the shaping of what counts as instantiating the relevant, socially intelligible "types of doing" for different kinds of people. It also explains 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 practices in which we can better make sense of one another's authentic, good faith participation.

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