

OPPRESSION AND VICTIM AGENCY

by

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DEDICATION

I dedicate this dissertation to the late Iris Marion Young. I was only a few pages into her *Justice and the Politics of Difference* when I realized these were the questions I wanted to work on for the rest of my professional life.

TABLE OF CONTENTS

ABSTRACT.....	8
INTRODUCTION	9
1. RECONCEPTUALIZING OPPRESSION	13
1.1. Caring About Schmoression	13
1.2. Models of Oppression	17
1.3. The Effects of Oppression	31
1.4. The Case So Far	44
2. DISTINGUISHING THE INJUSTICE OF OPPRESSION	46
2.1. Why the Concept Matters	46
2.2. Entangled Injustices	51
2.3. Comparing Oppression and Exploitation.....	58
2.4. Comparing the Oppressed and the Exploited.....	76
3. OPPRESSION, RIGHTS, AND LIBERAL FEMINISM.....	84
3.1. The Rights of the Oppressed.....	84
3.2. The Case for Rights	92
3.3. Oppressive Harms as Rights Violations	99
3.4. Privileges, Powers, and the Liberal Solution	112
4. RESISTANCE AND MORAL OBLIGATION.....	118
4.1. In Defense of Blaming the Victim.....	118
4.2. Contributing to Continued Oppression	120

TABLE OF CONTENTS – *Continued*

4.3. Harming Other Victims.....	125
4.4. Respecting the Moral Law / Defending One’s Rational Nature	130
4.5. Protecting and Promoting One’s Well-being.....	136
4.6. The Condition of Victimhood.....	149
5. RESISTANCE AND POLITICAL VIRTUE	151
5.1. When Circumstances Differ.....	151
5.2. Disjunctive Accounts of Political Virtue	154
5.3. Adapting Aristotelian Political Virtue	165
5.4. The Experiences and Aims of Nonviolent Civil Disobedience	173
5.5. Caveats About Nonviolent Civil Disobedience	183
CONCLUSION.....	186
REFERENCES	191

ABSTRACT

If we want to take the agency of the oppressed seriously, we need to think about their normative situation. We need to understand what oppression does to victims, and what victims ought to do as a result. The first half of my dissertation develops a new account of oppression, one that identifies cases not by the wrongs that oppressors embody but by the burdens that victims suffer. The second half questions what kinds of moral and political actors victims can and should be.

According to the prevailing “group relationship” model of oppression, the members of a social group are oppressed when they’re subordinated, marginalized, constrained, or displaced in a way that benefits the members of a different social group. In place of this prevailing view, I propose a new, effects-centered model: a person is oppressed when their autonomy or their life prospects are systematically and wrongfully burdened. I then use this account to understand the moral and political agency of the oppressed. I argue that victims have a self-regarding moral obligation to resist their oppression, grounded in considerations of objective well-being. And I develop Aristotle’s account of political virtue to apply across ideal and oppressive circumstances alike, adapting it as a defense of nonviolent civil disobedience.

This dissertation is the beginning of a larger research project concerned with the nature of victimhood, how injustice affects agency, and how obligations can be grounded in the absence of just institutions.

INTRODUCTION

It's stunning that oppression still occurs. But as the unfolding and inspiring events of the Arab Spring remind us, oppression is often met with resistance. When and how we take a stand not only reveals how we think about our obligations to ourselves as well as to others, but it reveals the kinds of people that we are. Cases of oppression show us at our worst, but they also have the potential to show us at our best.

Philosophical discussions of oppression usually aim to explain the injustice committed by its perpetrators and to ground duties of assistance owed to its victims. While these topics are important, something's missing. If all we ask is where oppressors and perhaps privileged bystanders go wrong, then the oppressed themselves will be treated as mere objects of moral concern: their plight will be condemned, but their agency will be ignored. We need to take the agency of the oppressed seriously, and that means thinking about the normative situation in which victims find themselves. We need to understand what oppression does to victims, and what victims ought to do as a result.

If you're a victim of oppression... what then? What can you do? What should you do? What should you expect of yourself, and what if anything do you owe yourself? What kind of person should you be, and what should you strive to make of the world as you've found it? These are all questions about what impact the condition of victimhood has on human agency, and they are the central questions addressed in this dissertation. I aim to model the moral and political agency of the oppressed, of those actors who find themselves in circumstances so terribly far from the ideal. I aim to understand what

kinds of actors people we should be when they face the kinds of burdens they shouldn't ever have to face.

In chapter one I discuss the prevailing "group relationship" model of oppression, which holds that the members of a social group are oppressed when they're subordinated, marginalized, constrained, or displaced in a way that benefits the members of a different social group. I argue that this model draws arbitrary distinctions between seemingly identical harms, forcing us to deny that certain intuitive cases count as oppressive. I demonstrate that we can avoid this problem by instead modeling oppression as a particular kind of suffered effect. On the new account I develop, a person is a victim of oppression when their autonomy or their life prospects are systematically and wrongfully burdened.

I explore the conceptual history of oppression in chapter two. I demonstrate that the prevailing view is inescapably entangled with distinct forms of injustice, most notably exploitation, domination, and intolerance. I suggest this is the result of extending the Marxist conception of class conflict to group conflicts more generally. While intuitive, I argue that this extension has made it difficult to grasp the unique wrong of oppression, and to model the agency of the oppressed in a clear way. The prevailing model doesn't do what we need a concept of oppression to do. I show how adopting my effects-centered account better enables us to understand the normative situation of the oppressed.

In chapter three I consider the relationship between oppression and rights. Using the oppression of women in liberal societies as a test case, I observe that while some oppressive burdens straightforwardly violate basic rights, it's a mistake to analyze the

various contributions to oppression as inherently rights violating. I argue that victims don't always have claim-rights against every act and actor that contributes to their oppression, and that recognizing and enforcing such claim-rights would impose a genuinely oppressive burden on others. Not every problem has a political solution: instead, I suggest that we should focus on the moral obligations of individuals to renounce oppressive privileges and to resist oppressive norms and practices.

Chapter four begins my examination of how victimhood affects agency. Since oppression is a defining feature of a victim's normative situation, I argue that thinking about whether victims are obligated to resist is central to understanding what kinds of moral agents victims should be. I criticize the three grounds most commonly given for the claim that resistance is required and that failing to resist is blameworthy: namely that non-resistance contributes to one's continued oppression, that non-resistance harms one's fellow victims, and that non-resistance constitutes a failure to respect the moral law or to defend one's rational nature. I then argue for a self-regarding obligation to resist grounded in considerations of objective well-being.

Lastly, in chapter five I adapt Aristotle's account of politically virtuous activity, arguing that the ideal of "ruling and being ruled" is applicable even in oppressive circumstances. I criticize the claim that effective resistance requires adopting morally problematic dispositions and characters, in part by showing that nonviolent civil disobedience is effective, practically wise, and politically virtuous. I contend that the aim of virtuous political agents is the same regardless of whether agents find themselves in proper or deviant societies: to create and support just institutions that help people lead

flourishing lives. The only difference is that citizens realize this aim through legislation whereas victims realize it through resistance.

While it's controversial to ask what victims owe themselves and others, and what kinds of actors victims ultimately should strive to be, thinking about such questions is essential if we want to understand the nature of victimhood, how injustice affects agency, and how obligations can be grounded in the absence of just institutions. It's essential if we want to live an examined life. Political philosophy is about taking the circumstances of agents seriously, but even more so, it's about taking the self seriously in political circumstances.

1. RECONCEPTUALIZING OPPRESSION¹

1.1. Caring About Schmoppression

Say a peaceful man is imprisoned for his political beliefs, and say he's the only one. Is he a victim of oppression? Not according to leading accounts,² which hold that oppression only occurs when the members of a social group are subordinated, marginalized, constrained, or displaced. This means that no matter what burdens an individual endures at the hands of others, he's only oppressed if people like him suffer in kind. So if a thousand people are arrested for voicing those same political beliefs a year later, the original prisoner becomes a victim of oppression, even though his own circumstances haven't changed in any way. For him, it's just another day in his cell, no different from all the days he spent being a victim of *something else*.

Now say that no one gains from the incarceration of these peaceful political dissidents, or at the very least, that the gains are outweighed by the twofold costs of imprisoning a thousand productive members of society. Is their incarceration oppressive? Not according to leading accounts, which hold that oppression necessarily involves a privileged group benefiting in some way from the subordination of the burdened group, or perhaps exploiting the burdened group outright. Whether a given political prisoner

¹ My treatment of this topic has benefited greatly from conversations with Adam Arico, Sara Bernstein, Cheshire Calhoun, Thomas Christiano, Victor Kumar, Christopher Maloney, Michael McKenna, David Schmidtz, and Chad Van Schoelandt.

² For example, those offered by Marilyn Frye (1983), Iris Marion Young (1990), Cheshire Calhoun (2000), Ann E. Cudd (2006), and Carol Hay (2011). See: §1.2.

counts as oppressed once again depends on factors external to his suffering. Unless or until his circumstances prove advantageous to others, he's a victim of *something else*.

For now, call this *something else* 'schmoppression'. The idea is that victims of oppression and victims of schmoppression are harmed in the same ways, facing the same institutional and interpersonal burdens. Both oppression and schmoppression are also ongoing harms, shaping and saturating a victim's everyday experiences. By stipulation, the effects of being oppressed are indistinguishable from the effects of being schmoppressed. But whereas suffering these effects is sufficient to make a person a victim of schmoppression, in order for someone to be oppressed, *other people* need to be affected in particular ways as well. Those who share a common identity with the victim need to encounter similar burdens, and at least some of those who don't share that identity need to be privileged as a result. My question is this: why are effects external to the individual necessary to consider that individual oppressed?

I contend that what I've called 'schmoppression' actually provides a more straightforward, fundamental, and theoretically advantageous understanding of the root injustice. In this chapter I'll argue that we should analyze oppression in terms of its internal effects: the effects it has on purported victims. Doing so would replace the prevailing "group relationship" model of oppression, which holds that oppression only occurs when the members of one social group are subordinated, marginalized, constrained, or displaced in a way that benefits the members of a different social group. By incorporating these external effects, I believe the group relationship model actually tracks cases where the wrongful, ongoing burdens that constitute oppression are

compounded by distinct forms of injustice, such as exploitation, domination, and intolerance.

On my view, incarcerating even a single political dissident is oppressive, and it's oppressive from day one. Incarcerating a thousand more simply means that once isolated oppression has become widespread, and that the regime is now committing two wrongs: in addition to subjecting dissidents to oppressive burdens, it's attempting to intimidate or stamp out its political opposition. This is an example of oppression compounded by domination.³ The fact that a regime is incarcerating the members of an opposition party is relevant if we want to explain why and how it's exercising its authority in an illegitimate way, but we don't need to point to this widespread pattern of targeted mistreatment in order to determine whether the incarceration of a given dissident is oppressive. I propose that we just need to consider how being incarcerated affects that dissident. For similar reasons, picking out an instance of oppression doesn't require that we first locate someone who benefits from the existence of oppressive burdens—that approach conflates oppression with the distinct injustice of exploitation.⁴ It's enough that someone is wrongfully burdened.

In short, I want to change how we understand oppression. Now, while I believe that there's a fact of the matter about what kinds of effects constitute oppression, I

³ Although I don't analyze the concept of domination here, for the sake of clarity I have in mind a broadly feminist conception: when one unjustly has power over another, or when one exercises their power over another unjustly.

⁴ By exploitation, I mean one person or group taking unfair advantage of another. The distinctions between oppression, exploitation, domination, and intolerance will be drawn more sharply in the following chapter: Daniel Silvermint, "Oppression and Victim Agency" (PhD diss., University of Arizona, 2011): chapter 2.

acknowledge that there's no fact of the matter about what oppression *is*.⁵ As I'll explain below, the prevailing group relationship model was developed to solve a particular problem, and it solves that problem quite well. Arguing about whether internal effects are sufficient for oppression or merely necessary is unlikely to settle the question of how we should conceive of oppression, let alone motivate us to ask that question in the first place.

What is very much worth investigating, however, is what we need a concept of oppression to do, and whether the group relationship model fills that need. First, a concept of oppression should tell us what is and what isn't a case of oppression. Second, a concept of oppression should distinguish it from distinct forms of injustice, singling out the unique wrong of oppressive burdens. Third, and most importantly, a concept of oppression should help us understand what kinds of moral and political actors those confronting oppression can and should be—including victims of oppression. As I'll argue over the course of this and the following chapter, the group relationship model falls short on each of these criteria.

In §1.2 I'll survey leading accounts of oppression in the literature, and demonstrate how they're invariably forced to draw arbitrary distinctions between seemingly identical harms, ignoring cases where individuals suffer the exact same burdens as commonly recognized victims of oppression. I'll argue that only an effects-centered model of oppression can avoid this problem, and thereby satisfy the first criterion for a concept of oppression. In §1.3 I'll explore which effects, specifically,

⁵ I thank Cheshire Calhoun and Michael McKenna for pushing me to consider this point.

constitute oppression. In doing so, I'll develop my positive account of oppression: a person is oppressed when their autonomy or their overall life prospects are systematically and wrongfully burdened. I'll close in §1.4 by previewing chapter two, where I'll address the second and third criteria for a concept of oppression, and why the group relationship model is unable to satisfy them.

1.2. Models of Oppression

I suggest that there are three basic models for thinking about oppression: we can take as fundamental the actions that cause oppression, the relationships that embody oppression, or the effects that characterize oppression.

Early liberal thinkers, who worried about bad rule by governments,⁶ implicitly adopted an action-centered model. John Locke conceived of oppression as tyrannical, arbitrary power, arising when governments exceeded or subverted the law; he famously described trust in absolutist governments as akin to finding safety in the mouth of a lion.⁷ Disenfranchisement, state-sponsored violence or intimidation, politically-motivated arrests, crackdowns on individual liberties, crippling overtaxation, even the social coercion of meddlesome public opinion that so worried John Stuart Mill⁸—all are recognizably oppressive acts.

⁶ Ann E. Cudd, *Analyzing Oppression (Studies in Feminist Philosophy)* (Oxford University Press, 2006), 6f.

⁷ John Locke, *Second Treatise of Government* (Yale University Press, 2003 [1689]), VII, 93; VIII, 107; XVIII, 202, 205; and XIX, 230.

⁸ John Stuart Mill, *On Liberty* (Hackett, 1978 [1859]), 219.

To my knowledge there are no contemporary proponents of an action-centered model, and for good reason. The model has a hard time explaining in a principled way why some actions, but not others, count as oppressive. It relies on a vague family resemblance between cases where governments or groups are acting in ways we think they oughtn't. Not only does this make it hard to distinguish oppression from other forms of injustice, such as domination, but it provides us with little guidance when previously unconsidered actions come under scrutiny.

More importantly, an action-centered model is unable to accommodate the diffuse and cumulative nature of oppressive burdens, which oftentimes result from the relatively benign actions and inactions of people simply going about their lives.⁹ Many actions, such as the telling of an offensive joke, aren't inherently oppressive, but can contribute to oppression given a particular background of norms, practices, and institutions. Few actions are necessarily oppressive in a context-independent way: actions are typically oppressive in tandem. But there's little clarity to be gained by analyzing oppression as an incredibly wide range of actions that may or may not actually oppress. Investigating the background, structural features that facilitate oppression is a much more promising approach, and that's precisely what the relationship-centered model does.

The group relationship model—the current, prevailing understanding of oppression—has its roots in Marxist theorizing about exploitative class conflict. For Marx, exclusive ownership over the means of production and a fixed division of labor are inherently exploitative, and modes of economic activity determine political

⁹ I'll have more to say about this below.

relationships.¹⁰ So long as economic classes exist, political classes will be organized “for the purpose of forcibly keeping the exploited class in the condition of oppression corresponding with the given mode of production (slavery, serfdom, wage-labour).”¹¹ Thus, the condition of oppression *just is* membership in an exploited class.

Few contemporary theorists of oppression are Marxists, but his model appears to serve as the basis for nearly all contemporary theorists. Instead of talking only about economic classes, the model has been expanded to capture morally problematic relationships between different cultures and communities, ethnic or racial groups, indigenous and non-indigenous populations, men and women, heterosexuals and LGBT persons, the abled and disabled, and so on. Social groups have taken the place of social classes, but the model is largely the same: oppression occurs when the members of one social group are subjected to structural harms that benefit or privilege the members of a different social group.

The group relationship model set out to explain the commonalities in a particular data set, namely those cases of oppression brought to the fore by the New Left social justice movements of the 1960s. Building on the Marxist framework, the common element identified across cases was that they all featured a wrongful pattern of privilege and subordination. Given the starting data set, that’s plainly true. The group relationship model is thus useful for describing structural wrongs at the level of societies or cultures—widespread, complicated wrongs like racism, sexism, heteronormativity, and so on.

¹⁰ Karl Marx and Friedrich Engels, *The German Ideology* (New York: International Publishers, 1988 [1846]), 43-46.

¹¹ Friedrich Engels, “Socialism: Utopian and Scientific,” *The Marx-Engels Reader*, ed. Robert C. Tucker (W. W. Norton & Company, 1978 [1880]), 713f.

The problem with the group relationship model is that it treats this common element as a necessary condition of oppression, and by doing so, it does more than draw our attention to specific areas of moral concern. And this is why the model begins to get cases wrong when individual suffering is considered: the “patterned, wrongful relationships” element common to each original case is in fact tracking *everything* wrong with those cases, including features that can best be explained as distinct forms of injustice. The group relationship model of oppression is an inherently entangled conception of oppression.

What’s more, I posit that the most basic, set-defining element common to each of the original cases isn’t even that they involve patterned, wrongful relationships. It’s that the individuals in question confront a particular kind of suffered harm. In other words, there’s a burden that’s uniquely oppressive, and it’s obscured when oppression is understood as a widespread, complicated pattern of wrongful relationships embodying elements of exploitation, domination, and intolerance. And that’s why analyzing oppression in terms of the internal effects will identify all the same cases the group relationship model does, but without the theoretical costs associated with the group relationship model: it’s a disentangled model of oppression.

While the group relationship model overcomes the explanatory weakness of the action-centered model, I contend that analyzing oppression in these terms conflates oppression with distinct forms of injustice and misses other, intuitive cases of oppression. And it does so unavoidably: because oppression is understood as a particular kind of macro relationship, factors external to the actual harms that victims suffer are treated as

necessary conditions of being oppressed. To see this, let's look at some of the leading relationship accounts in the literature.

Marilyn Frye argues that “if one wants to determine whether a particular suffering, harm or limitation is part of someone’s being oppressed, one has to look at it *in context* in order to tell whether it is an element in an oppressive structure: one has to see if it is part of an enclosing structure of forces and barriers which tends to the immobilization and reduction of a group or category of people.”¹² Her structural account of oppression is rightly influential, and I accept the idea that oppression (almost always) is a diffuse and cumulative phenomenon, constituted by no particular act or actor. What I wish to draw attention to are the roles that exploitative benefit and group membership play in determining whether someone is oppressed:

If a person’s life or activity is affected by some force or barrier that person encounters, one may not conclude that the person is oppressed simply because the person encounters that barrier or force; nor simply because the encounter is unpleasant, frustrating or painful to that person at that time; nor simply because the existence of the barrier or force, or the processes which maintain or apply it, serve to deprive that person of something of value. One must look at the barrier or force and answer certain questions about it. Who constructs and maintains it? Whose interests are served by its existence? Is it part of a structure which tends to confine, reduce and immobilize some group? Is the individual a member of the confined group?¹³

On Frye’s view, encountering harmful barriers isn’t sufficient to make one a victim of oppression. To be oppressed, a person must encounter those burdens in virtue of their group membership, and the burdens must be to the benefit of someone else in virtue of

¹² Marilyn Frye, *The Politics of Reality* (Crossing Press, 1983), 10f. Original italics.

¹³ *Ibid.*, 13f.

their group membership. It's the structural nature of oppressive barriers that sets them apart as *oppressive*.

Iris Marion Young also understands oppression as a condition of groups, which she observes is in accordance with ordinary political usage.¹⁴ But it isn't always the case that one social group intentionally sets out to oppress another group. Oppression can also refer to the "vast and deep injustices some groups suffer as a consequence of the often unconscious assumptions and reactions of well-meaning people in ordinary interactions, media and cultural stereotypes, and structural features of bureaucratic hierarchies and market mechanisms—in short, the normal processes of everyday life."¹⁵ Although Young believes that oppressors don't always intend to contribute to oppression, oppressors nonetheless gain from the existence of oppressive institutions and norms. She writes: "I also do not mean to deny that specific groups are beneficiaries of the oppression of other groups, and thus have an interest in their continued oppression. Indeed, for every oppressed group there is a group that is *privileged* in relation to that group."¹⁶ Perhaps most notably, Young derives the five faces of oppression¹⁷ by reflecting on the circumstances confronting present day social groups, and she argues that economic exploitation is one form that the oppression of such groups takes.¹⁸

Ann E. Cudd builds on the structural analysis of oppression advanced by both Frye and Young. On her account, oppression involves four necessary and jointly

¹⁴ Iris Marion Young, *Justice and the Politics of Difference* (Princeton University Press, 1990), 40.

¹⁵ *Ibid.*, 41.

¹⁶ *Ibid.*, 42. Original italics.

¹⁷ These are exploitation, marginalization, powerlessness, cultural imperialism, and violence.

¹⁸ *Ibid.*, 42, 48-52.

sufficient conditions, so if a given case of harm fails to meet even one of these conditions, it isn't a case of oppression. Of interest to us are the second and third conditions, namely the social group condition and the privilege condition. The social group condition holds that "The harm is perpetrated through a social institution or practice on a social group whose identity exists apart from the oppressive harm," and the privilege condition holds that "There is another social group that benefits from the institutional practice."¹⁹ As with Cudd, Carol Hay's definition of oppression involves necessary and sufficient conditions, among which are group membership and group privilege: "an individual is oppressed if and only if (i) she is unjustly harmed in a group-specific way, where this sort of harm has occurred if and only if (a) she is harmed in virtue of being a member of a group, G; and ... (c) on balance, members of another group, G*, benefit from her being harmed."²⁰

Cheshire Calhoun's account of oppression also appeals to external effects as necessary conditions. On her view, oppression results from the systematic organization of social life and social relations based on a cultural articulation of social identities. In particular, "An interlocking set of practices based on the assumption that one social type is deficient in relation to its polar Other produces a pervasive reduction of one group's political status, self-determination, life chances, resources, physical safety, and control over cultural products. These interlocking practices also produce pervasive and

¹⁹ Cudd, *Analyzing Oppression*, 25. The other two conditions are the harm condition (there is a harm that comes out of an institutional practice) and the coercion condition (there is unjustified coercion or force that brings about the harm).

²⁰ Carol Hay, "The Obligation to Resist Oppression," *Journal of Social Philosophy*, 42, no. 1 (Spring 2011): 41n3.

important benefits, privileges, and liberties for the other social group.”²¹ As she confirms, what distinguishes “oppression or subordination from merely unequal treatment in a particular sphere is by now fairly well articulated.”²² The consensus is that oppression has to be understood as a certain kind of relationship between social groups, and that merely suffering a particular kind of harm or setback is insufficient to make one a victim of oppression.

It’s indeed true that many examples of oppression, both current and historical, involve one social group being burdened to the benefit of another social group. Pointing to morally indefensible relationships between social groups is explanatorily relevant if we want to understand how oppression obtained and is maintained in these cases. It also matters if we want to understand the wrongs that perpetrators of oppression commit, and whether and to what extent they’re morally blameworthy for those wrongs. But my challenge is this: if we want a model that can tell us who suffers oppression, why do we first have to locate additional victims and benefited parties? In other words, why treat external effects as necessary features of oppression?

Perhaps the reason for treating these external effects as necessary conditions is to capture the fact that oppression often strikes entire categories of persons, and that this is part of what makes oppression unjust. Treating group membership as a necessary condition of oppression comes at a cost, however: it forces theorists to exclude cases where individuals, like the lone political prisoner, seem to suffer precisely the same

²¹ Cheshire Calhoun, *Feminism, the Family, and the Politics of the Closet: Lesbian and Gay Displacement* (Oxford University Press, 2000), 5.

²² *Ibid.*, 5.

burdensome effects as do victims of group-specific oppression. Besides being conceptually unclear, explaining away these identical burdens as “something else” seems to imply that the harm the individual victim suffers isn’t as morally significant because it isn’t shared. Surely widespread harms are more problematic, but from the standpoint of the individual, a given token of harm is no less morally significant for being isolated. Calling that individual’s plight something other than oppression also confuses or even obscures our obligation (and potentially his obligation) to resist those burdens.

Why pay this theoretical cost, when we can capture the same information by noting that some cases of oppression are widespread, and that some cases are compounded by exploitation or domination, or are facilitated by the group-specific wrongs of intolerance? True, we can’t understand the entire wrong confronting, say, women without pointing to these compounding factors, but why should this contingent fact lead us to conclude that a lone political prisoner isn’t oppressed? Why not conclude that he’s a victim of oppressive burdens but not a victim of domination and intolerance, whereas women in patriarchal societies are victims of all three?

Much the same can be said about assuming that someone needs to be privileged in order for someone else to be a victim of oppression. Historically, many victims of oppression have also been victims of exploitation. The easy benefits of exploiting the vulnerable might even explain why these victims were oppressed to begin with. But we can capture that reality without stipulating that oppression always benefits a privileged person or group, and without denying intuitive cases of oppression that lack tangible benefits to others. There’s no theoretical cost to noting that oppression and exploitation

often occur in tandem, but there is a theoretical cost to claiming that a burden isn't oppressive unless it's also in some way exploitative.

Of course, these considerations hinge on the plausibility of victims suffering oppressive burdens without being targeted in virtue of some group identity, and without anyone else benefiting from their burdens. The theoretical costs only materialize if there are cases of oppression that the group relationship model can't readily identify or explain. I contend that there are such cases.

I've already discussed the lone political prisoner, systematically and wrongfully burdened by his incarceration. Does a life spent in detention affect his life prospects differently than did the incarceration of Nelson Mandela or Aung San Suu Kyi, both of whom represent distinct social groups? One can rightfully point out that Mandela, for example, was burdened in ways beyond our imagined political dissident: he was a victim of Apartheid, which was the source of suffering beyond that of mere incarceration. But does this admission weigh against the plausibility of considering a lone dissident oppressed? Some of the harms of Apartheid were caused by the distinct injustices of racism and domination, but more to the point, oppression is the kind of injustice that admits to degrees: one needn't suffer as much as a victim of Apartheid in order to count as a victim of oppression, nor is it pragmatically helpful or even realistic to try and rank the suffering of victims. The question before us isn't whether being a political prisoner under Apartheid is different from being a political prisoner in a society not characterized by racial domination and intolerance. Of course it's different: one involves racial

domination and intolerance. The question is whether being a political prisoner is sufficient to make a person a victim of oppression.

The group relationship model treats group membership as a necessary condition of oppression, so being incarcerated for one's beliefs is only oppressive if others are incarcerated for the same belief. And this is so even if we hold the burdens of incarceration fixed. But why think that being a prisoner of conscience is only oppressive if it happens to more than one person? To claim group membership as a necessary condition is to claim that no amount of burdening a solitary individual could ever constitute oppression. But we build the group harm out of harms to individual members, not vice versa. Surely it's conceivable that a politician or a political apparatus could, for whatever reason, target a single individual in systematic and wrongful ways, burdening her life in a significant, even horrific manner. It's also conceivable that this pattern of abuse could mirror the kinds of burdens that are uncontroversially oppressive when groups are subjected to them. To say that we can't imagine a case of a single individual being oppressed is, I think, to cling to the wrong defining element. If what we care about is the injustice of suffering certain burdens, and if those burdens can occur in isolation, then we have reason to consider isolated burdens oppressive.

There are other cases we can imagine. Consider a youth that's gravely mistreated by her parents over the course of her entire childhood and adolescence. She has little freedom to speak of, her sense of self-worth has been stripped away, her dreams and ambitions have been thwarted, she lacks the means or opportunities to enjoy her life on a day-to-day basis, and so on. She's systematically and wrongfully burdened, and in a way

that I believe constitutes oppression. Now suppose the harms she endures at the hands of her parents are random, by which I mean she simply has rotten, abusive, incompetent parents. She's not targeted because of who she is or who she wants to be, and youths that are similar to her escape the terrible effects that she endures. Should the random nature of her abuse prevent us from calling her burdens oppressive? I think not. The random nature of her abuse should simply prevent us from calling her abuse a case of group-specific intolerance.

Also notice that her parents don't necessarily stand to gain by mistreating her. They aren't doing it to feel better about themselves—they simply have no idea how to properly raise a child. Should this fact about her parents disqualify her as a victim of oppression? The group relationship model requires that someone benefit from oppression, and in a world where her parents were benefiting in some way, the model would be inclined to treat her as a victim of oppression. But I contend that the only judgment this variable properly influences is whether we think the teen is being exploited. We should focus instead on whether the particular harm she suffers is an oppressive burden, and analyze exploitation as a separate injustice with its own conditions and markers.

Some might resist the idea that there can be oppression without benefit, and argue that we can always find *someone* who stands to gain, however passively or indirectly, from the oppression of others. Even if that's so, why should identifying and explaining cases of oppression depend on this ever more tenuous search for a privileged party? It makes sense that diagnosing exploitation hinges on tracking down those who profit, but

why treat exploitation as a necessary feature of oppression? We can easily imagine cases where no one stands to benefit. Suppose a sadist traps a man in a well-provisioned basement, and imagine he does this because he's amused by the panicked and eventually despairing reactions of the man's family. The victim is locked in this basement for years, and at a certain point, his circumstances certainly constitute a systematic and wrongful burden. While it's true that the sadist benefits from the victim's plight, now imagine that the sadist dies of a heart attack. It seems to me that the kidnapped man, still locked in the basement, is still a victim of oppression, even though it's no longer the case that someone's benefiting from his confinement.

If we looked hard enough, perhaps we could find someone who gains from the situation after all. We might discover that a coworker of the kidnapped man won a promotion after his chief competition mysteriously disappeared. But why should the existence of this coworker be the deciding factor in whether the kidnapped man is oppressed? Why should identifying oppressive burdens depend on such findings? The danger in reifying our categories is that it leads us to search for ways to satisfy necessary conditions, when we should be searching for the most illuminating and useful way to describe the phenomena our categories are meant to represent.²³

In each of the cases we've considered so far, victims appear to suffer oppressive burdens, but not in ways that meet the external conditions of the group relationship model, namely that *others* are affected in particular ways. This means that we either have to deny that certain intuitive cases count as oppression, or we have to draw arbitrary

²³ I thank David Schmitz for this characterization.

distinctions between seemingly identical forms of suffering based on factors external to the suffering. I can see no advantage in paying this theoretical cost, especially when we can easily capture the wrongness of group-specific targeting, and benefiting from vulnerability, by pointing to distinct injustices that sometimes compound and facilitate oppression. I'll do more to distinguish oppression from the distinct injustices of exploitation, domination, and intolerance in chapter two, but for present purposes, what matters is that the entangled nature of the group relationship model can cause it to miss cases where individuals suffer seemingly oppressive burdens.

If not every case of oppression involves these external factors and conditions, then we need a model of oppression that isn't grounded in morally inappropriate group relationships. I suggest that an effects-centered model can serve this function, by which I mean a model that takes internal effects as sufficient for oppression.

Before proceeding, I think it's important to note that while the model I'll be developing is quite revisionary, it isn't hostile to the aims of the group relationship model. One reason for this is that an effects-centered model will concur with the cases of oppression identified by the group relationship model, and will in fact use the particular suffered harms common to such cases as the basis for expanding the set. It's an approach that shows deference to the acknowledged victims of oppression, instead of relying on potentially suspect intuitions about what should and shouldn't count as an oppressive

burden.²⁴ The account is revisionary, but what isn't revisionary at all is the moral truth that some burdens can never be deserved, and must always be resisted.

Second, I see my model as a continuation of the project begun by Young, rather than being a departure from it.²⁵ She distinguishes oppression from domination, on the basis that the former is a barrier to self-development while the latter is a barrier to self-determination.²⁶ And while she thinks that structural, entrenched exploitation is oppressive, the fact that it's only one of five faces implies that oppression, for Young, can obtain without an exploitative element. Where Young and I disagree concerns whether we can give an essential definition of oppression. I think we can, and I suspect she thought we couldn't because she was conceiving of oppression in terms of patterned, wrongful relationships. It's true that such relationships can't be reduced to a single burden, but on my view, that's because focusing on relationships has a distorting effect. Rather than defining oppression as an increasingly disjunctive set of dissimilar relationships, my approach focuses on the burdens directly. That makes my approach revisionary, but the revision is internal to a shared feminist project.

So what effects, specifically, do I suggest constitute oppression?

1.3. The Effects of Oppression

²⁴ For an important elaboration of this worry, see: Charles W. Mills, "'Ideal Theory' as Ideology," *Hypatia* 20, no. 3 (2005): 172ff.

²⁵ I thank Cheshire Calhoun for urging me to make this parallel explicit.

²⁶ Young, *Justice and the Politics of Difference*, 33ff.

If you've ever spent the summer in Tucson, you know firsthand that weather can be oppressive. Granted, political philosophers typically aren't concerned with *that* kind of oppression, but the usage does capture something central to the experience of being oppressed. At the highest level of generality, to be oppressed is to be weighed down and wearied by some burden. According to Michael Freeman, "Oppression exists when A constitutes, or places a heavy burden on B."²⁷ And as Judith Farr Tormey observes, "the metaphorical notion of being 'down' is central to oppression whether it is relative merely to one's moods or one's social status;" a victim of oppression "is put 'down' and kept 'down'."²⁸

This feature of oppression is why the same word can be used to describe the relatively benign burden of stifling temperatures and the far-from-benign burden of illegitimate governance—a similarity not lost on those trying to articulate the latter experience to a wider audience themselves untouched by such effects. In Martin Luther King, Jr.'s *I Have a Dream* speech, the line immediately preceding the famous "content of their character" sentiment is evocative in precisely this way: "I have a dream that one day even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice."²⁹

Given this overlap in effects, why aren't political philosophers concerned about oppressively hot climates? In other words, what, aside from being burdensome, makes a

²⁷ Michael Freeman, "Oppression," in *The Encyclopedia of Ethics: Vol. II*, ed. Lawrence C. Becker and Charlotte B. Becker (New York: Garland Publishing, 1992), 921.

²⁸ Judith Farr Tormey, "Exploitation, Oppression, and Self-Sacrifice," in *Women and Philosophy: Toward a Theory of Liberation*, ed. Carol C. Gould and Marx W. Wartofsky (Putnam's Sons, 1976), 216.

²⁹ Martin Luther King, Jr., "I Have a Dream," speech given in Washington D.C., 09/28/1963.

particular circumstance oppressive in the morally relevant sense of the term?³⁰ What subset of oppressive burdens should we seek to understand and resist, and what additional features pick out that subset?

The first step away from this ordinary usage of “oppression” is straightforward. While summer temperatures in Tucson can be oppressive, the hotness of deserts is a naturally occurring phenomenon, and the same goes for the fact that human physiology is maladapted to temperatures above a certain range. Oppressive burdens of the morally significant sort, on the other hand, are always the result of human activities and beliefs; as Freeman puts it, oppression isn’t an ethical concept unless the burdening A and the burdened B are human agents.³¹ The social element of oppression isn’t one of its effects, but rather serves to pick out the state.

While the kind of oppression we’re interested in thus has a *social* dimension, it’s important to remember that an individual or group needn’t deliberately aim to oppress others in order to succeed in doing so. The burdensomeness of a victim’s circumstances isn’t contingent on individuals being aware that they’re contributing to that burden, let alone on their contribution following some malicious design. Such details bear on whether and to what extent the perpetrators of oppression are morally responsible for the fact that oppression obtains, but the core of oppression is victimization, not ill intent. If anything, the ignorance and insensitivity of oppressors is often what facilitates oppression. As Young contends, “The conscious actions of many individuals daily contribute to maintaining and reproducing oppression, but those people are usually

³⁰ My thanks to David Schmitz for suggesting this way of framing the question.

³¹ Freeman, “Oppression,” 921.

simply doing their jobs or living their lives, and do not understand themselves as agents of oppression.”³²

That said, not every social burden is oppressive. Suppose a person owns a car, suppose that car breaks down, and suppose the mechanic estimates that repairs will take two weeks. Suppose it’s because she plays favorites with the repair order. During those two weeks the ex-driver has to rely on the bus system, and given the infrequent stops and indirect routes, getting around proves to be quite the nuisance. He even needs to wake up half an hour earlier to get to work on time! Is he a victim of oppression? Surely not. But we need to be careful when explaining why he’s not oppressed. The complication is that victimhood rests neither with the objective severity of the burden nor with the felt severity of the burden.

By objective severity, I have in mind claims of the form: “If you arrange all possible social burdens on a continuum from least harmful to most harmful, oppression refers to whatever social burdens appear on the most harmful end of the continuum.” This is an implausible (and also uninteresting) analysis of oppression for a number of reasons, including the inevitable objection that it involves an arbitrary threshold. The principal problem is that we can easily imagine both extremely devastating social harms that we normally wouldn’t consider oppressive, like being crippled in a freeway collision,³³ and comparatively mild social harms that are standardly seen as contributing to oppression, like the telling of racist jokes in public.

³² Young, *Justice and the Politics of Difference*, 41f.

³³ Citing a freeway collision as an example of a social harm might appear odd, but all I mean by a “social harm” is one resulting from human activities or beliefs, or in other words, a harm not resulting from some

What about the more plausible claim that being a victim of oppression is tied to felt severity, by which I mean the burdensomeness of circumstances as subjectively experienced by those confronted with them? This interpretation has at least three significant drawbacks. First, different individuals have different tolerances, and I contend that the identity conditions of oppression should be insensitive to those differences. We can imagine an individual who finds public transportation torturous and we can also imagine an individual able to endure literal torture, yet it would be strange if accounts deemed the former a likelier victim of oppression than the latter. Second, and relatedly, this way of analyzing oppression would place a highly disproportionate amount of the blame for oppression on the victims themselves. By implication, not only is oppression mostly in their heads, but individuals could largely avoid victimization through psychological resilience. I contend this qualifies as victim-blaming of the morally repugnant sort.³⁴

The problem of adaptive preferences gives us the third, and I think most important, reason to decouple oppression from felt severity. We can imagine a slave that comes to share the oppressive attitudes of his society, including the belief that individuals such as himself have an inferior moral status and so are not wrongly enslaved. Internalizing that worldview would immediately lessen the felt severity of the slave's situation—after all, the frustration of enduring unjust burdens depends in part on recognizing the injustice of those burdens, and according to his new outlook the world is

naturally-occurring phenomenon or condition. This is a different meaning than Frye's structural sense of "social harm".

³⁴ For a discussion of when blaming the victim isn't morally repugnant, see: Daniel Silvermint, "Oppression and Victim Agency" (PhD diss., University of Arizona, 2011): chapter 4.

as it should be. An analysis of oppression that tracks felt severity would take this internalization as evidence that a slave's circumstances have become at least somewhat less oppressive, but a better reading of internalization is that the circumstances in question are especially pernicious and are, if anything, more oppressive.

Sandra Bartky argues that this psychological dimension is precisely what makes oppression so insidious, in that it “allows those who benefit from the established order of things to maintain their ascendancy with more appearance of legitimacy and with less recourse to overt acts of violence than they might otherwise require.”³⁵ Similarly, Tormey explicates the notion of an oppressive device as “one which works by making the person believe that [irrelevant social] distinctions are legitimate or that the differences are not irrelevant.”³⁶ Much like individuals can contribute to oppression without realizing that what they're doing contributes to oppression, the nature of internalization demonstrates that individuals can be oppressed without realizing that their situation is an oppressive one.

Beyond the mistaken implication that victims who internalize oppressive attitudes are less oppressed than their counterparts, the problem of adaptive preferences has a rather perverse implication. If we analyze oppression in terms of felt severity, then at least some of the time it might make sense to recommend that victims internalize oppressive attitudes in order to spare themselves the pain of recognizing just how demeaning their treatment is, to shield themselves from the frustration and anger that

³⁵ Sandra Bartky, *Femininity and Domination: Studies in the Phenomenology of Oppression* (Routledge, 1990), 23.

³⁶ Tormey, “Exploitation, Oppression, and Self-Sacrifice,” 216. Tormey, though I believe not Bartky, considers the internalization of oppressive attitudes a necessary feature of oppression.

would invariably result from realizing the injustice of their situation, and to avoid the additional burdens they might face if they actively resist their now-revealed oppression. Compared to embarking down the difficult and uncertain road of minimizing oppression through resistance, internalization provides a relatively straightforward and immediate way to minimize oppression. Even if internalization really did minimize oppression as such, recommending that victims suppress the urge to understand what they really deserve and instead embrace the appropriateness of their plight fails to take the agency of victims seriously, and does so in a rather dramatic way.

For all the above reasons, if we're looking for the most theoretically advantageous and descriptively accurate model of oppressive effects, then the extent to which victims feel oppressed can't bear on whether victims are enduring genuinely oppressive effects.

So what explains why the social burden of relying on public transit for a couple of weeks isn't an oppressive burden? I contend that four necessary features are missing. First, it's not the severity of the burden that matters but rather its scope. In the public transit case the social burden complicates the satisfaction of a particular preference or two whereas, for example, the existence of patriarchy impacts all or nearly all domains of a woman's life: private, productive, and public. Oppressive burdens are *comprehensive*, in the sense that they hit their victims from all sides, saturating their everyday experiences. The comprehensiveness of oppressive burdens is why comparatively mild harms like the telling of offensive jokes can contribute to oppression. As has been argued already, oppression is often a diffuse and cumulative phenomenon.

Though a necessary condition, the comprehensiveness of a social burden isn't sufficient to make it oppressive. It's certainly possible to describe the public transit case in such a way that every aspect of a person's day-to-day life is to some extent impacted by not having a car. This brings us to the second necessary feature of oppressive burdens: they're *ongoing*. Being confronted with a temporary setback might victimize a person, but it isn't enough to make them a victim of oppression. Recalling Tormey's observation, oppression involves not only being put down but being kept down as well.

Somebody who'll never walk again after being hit by a drunk driver isn't a victim of oppression, despite the permanency of their resultant disability, but a disabled person unable to find work or even social acceptance due to persistent prejudices surrounding their disability is very much a victim of oppression. To be clear, I'm not denying that physical and emotional trauma stemming from a one-time harm can impair a person's well-being for years or even decades to come, generating new harms in the wake of the old one. I also don't mean to minimize the moral significance of such harms. My claim is simply that damage lingering after some original harm, though possibly burdensome and certainly regrettable, is a different kind of harm than a continuous, even stable state of affairs, and oppression is the latter sort of harm. Whether a burden has lingering effects depends at least in part on the victim, whereas a burden being ongoing is entirely a function of the victim's circumstances. And as was argued above, the identity conditions for oppressive burdens don't depend on the subjective experience of victims.

Thus far we can say that oppressive social burdens are comprehensive and ongoing. The model can be simplified by grouping the comprehensive and ongoing

features of oppressive burdens together: a burden that impacts all or nearly all domains of a person's life, and does so stably over time, is a *systematic* burden. But it's not enough to point to the systematic ways in which oppressive burdens strike victims. After all, it's possible to imagine a version of the public transit case where an individual is left without a car indefinitely, affecting every aspect of their day-to-day life. Even though this burden is systematic, it still doesn't seem oppressive. So we need to say something about what kinds of burdens are oppressive, or in other words, what kinds of systematic effects oppress persons.

Slavery is an obvious example of oppression. Compare the type of burden present in the systematic version of the public transit case, where a wide range of desires are harder to fulfill as a result of being without a car, to the type of systematic burden experienced by slaves. Being a slave burdens one's *overall life prospects* as well as one's *autonomy*. It impacts the kind of life that a person is able to lead and the extent to which they can lead a life of their own choosing. To be oppressive, I argue that a burden has to have at least one of these two effects. Let's begin with burdened life prospects.

There are many distinct ways in which oppression can burden a person's overall life prospects. Life prospects can be burdened when a person systematically experiences (or is threatened with) material, physical, or psychological suffering at the hands of others. Life prospects can also be burdened when valuable opportunities or life plans are systematically blocked or made more costly to pursue than they otherwise would have been. Further, life prospects can be burdened when a person's sense of self-worth is systematically undermined, or when they're systematically denied the social bases of

self-respect. What these harms have in common, besides being social and systematic, is that they burden the enjoyment or pursuit of worthwhile lives. Oppressive burdens aren't easily avoidable complications. They aren't barriers that leave a person with many viable and valuable alternatives, or obstacles that can be cleared with a little creativity and determination. Those sorts of burdens are just part of an ordinary life.

That said, it's possible to imagine cases where victims are oppressed without having burdened life prospects. Suppose a hard paternalist forces a loser to lead a better life. She makes every important decision for him, and in each instance, the decision is recognizably in his interest, and better for him than what he would have chosen to do if left to his own devices. Even though his life prospects improve as a result of this treatment, her interference with his self-directed activity burdens his autonomy. It can be oppressive for someone to have this degree of control over another person's life, even if they do good things with that control. Similarly, suppose a political prisoner is incarcerated in a gilded cage. He is treated with every courtesy and given every amenity, and his material circumstances are actually better than they were prior to his arrest. While his life prospects aren't burdened by this treatment, the fact that he'll spend the rest of his life locked in a cell is still an oppressive burden.

Oppressive burdens, in addition to being social and systematic, are the kinds of burdens that affect one's life prospects, one's autonomy, or both. Someone can be oppressed without experiencing burdened life prospects, and someone can be oppressed without experiencing burdened autonomy, but for a systematic effect to be oppressive, it has to burden either life prospects or autonomy.

While the effects-centered model of oppression is thus formally disjunctive, it's worth noting that not every effects-centered account has to treat burdened life prospects and burdened autonomy as distinct effects.³⁷ Perfectionism and eudaimonism, for instance, characteristically hold that one component of objective well-being is self-directedness, and that lives are only worthwhile if they're undertaken autonomously. For accounts influenced by these moral theories, burdened autonomy will automatically burden one's life prospects, meaning that oppressive effects are simply those that burden life prospects. I myself am sympathetic to this more unified understanding of oppressive burdens, but since my aim in this chapter is to develop an effects-centered model for analyzing oppression, I want to leave room for effects-centered accounts beyond my own. From the standpoint of the model, there's no reason to prefer the disjunctive or the unified understanding of oppressive effects.

Do we now have a jointly sufficient condition for oppression? Not quite. Our model currently suggests that a person is oppressed when their autonomy or their life prospects are burdened in systematic and social ways. This formulation is still missing one necessary condition. Throughout the chapter, I've invoked the example of a peaceful political prisoner. Part of what makes this case intuitively oppressive is the commonly held conviction that it's wrong to incarcerate people for their beliefs. Consider a different sort of prisoner: a violent, unrepentant criminal. When a serial killer is incarcerated, they experience a systematic and social burdening of their autonomy and

³⁷ Models of oppression disagree about whether oppression should be understood primarily in terms of actions, relationships, or effects. Particular accounts of oppression, which can usually be sorted into one of these three models, disagree about which [actions / relationships / effects] count as oppressive.

life prospects. Is an incarcerated killer a victim of oppression? Presumably not. If the dissident and the killer are housed in nearby cells, and suffer precisely the same burdens as a result of being in those cells, then either we have a counterexample to the effects-centered model or oppression is an inherently moralized concept. If oppression is a moralized concept, then that means systematic burdens are only oppressive when it's in some sense *wrong* that a person experiences those burdens.

Is it an ad hoc restriction of the conceptual domain to consider oppression inherently moralized? I don't believe so (and neither, for that matter, do proponents of the equally moralized group relationship model). Understanding oppression in moralized terms appears to track our intuitions rather reliably. For instance, the claim that guilty convicts are victims of oppression becomes more plausible the more excessive the punishment becomes relative to the crime that was committed. Why? We tend to think that disproportionate punishment is wrong.

If a person faces lifelong incarceration for an isolated instance of petty theft, it's precisely the wrongfulness of the sentence that leads us to consider the thief oppressed but not the similarly sentenced serial killer in the next cell over. If the thief stole to feed his family, we have even more reason to be concerned about the ways in which his life is being burdened. And if turns out that the prisoner is actually innocent, then it's clear that we ought to oppose his suffering, because only the guilty should be punished. The reason why it's not ad hoc to analyze oppression in moralized terms is that we correctly think of oppression as a burden that people never deserve to experience, and as a burden that we

always have reason to resist. We can't conceive of a case of appropriate oppression, and that's because oppression is a moralized concept.

Of course, what ultimately constitutes a *wrongful* burden will vary from account to account and perhaps even from case to case. And unless a theorist invokes a universalist understanding of what humans need or deserve or are entitled to, then for some especially controversial cases there will be no objective fact of the matter about whether a given individual is a victim of oppression. While I acknowledge that cultural relativism about some cases is a possible and highly unsavory implication of the model, I suspect that a few thin platitudes can do much of the work, and that we don't actually need substantive, thick notions about what counts as a wrongful burden. For example, it's probably wrong when individuals are systematically burdened because of morally irrelevant features of their identity, or when their self-regarding activities are interfered with without justification, or when their essential dignity as moral equals is denied.

Do I expect these platitudes to achieve unanimous assent? Of course not. But a debate about the basic norms of human treatment is the right debate for oppression theorists to have. We *should* be talking about what humans qua humans deserve, and our answers to such questions *should* inform our understanding of when oppression obtains. Absent a consensus about what humans deserve, there's no reason to expect that we'll always agree about which cases count as oppressive. Indeterminacy isn't always a weakness of a view: sometimes indeterminacy simply points to an unsettled question that's worth pursuing.

Given the scope of this chapter, we've come about as far as we can in articulating the effects-centered model of oppression. The model holds that a person is oppressed when their autonomy or their life prospects are burdened in systematic, social, and wrongful ways. And since wrongful burdens are inherently social, we can simplify the model further: a person is oppressed when their autonomy or their life prospects are systematically and wrongfully burdened.

This approach identifies and explains the same range of cases that are picked out by the group relationship model. Unlike the group relationship model however, the effects-centered model isn't forced to draw arbitrary distinctions between seemingly identical harms, ignoring cases where individuals suffer the exact same burdens as commonly recognized victims of oppression. The effects-centered model of oppression thus satisfies the first criterion for a concept of oppression. What about the other two?

1.4. The Case So Far

So far I've demonstrated that an effects-centered model of oppression provides a more straightforward and fundamental explanation of oppression, and that it does a better job than the group relationship model at identifying cases of oppression. This gives us some reason to prefer the effects-centered model. In the next chapter, I'll elaborate two additional advantages that deepen the appeal of the effects-centered model.

Given that oppression is often conflated or conceptually entangled with exploitation, domination, and intolerance, I'll argue that we should prefer a model with

the descriptive power to clearly distinguish between distinct forms of injustice, one that can explain where oppressive burdens end and other wrongs begin. Besides providing a more accurate picture of oppressive circumstances, which is advantageous in its own right, being able to distinguish between distinct forms of injustice helps us think about what type of response oppression merits, and what kinds of moral and political actors victims of oppression can and should be.

Attributing responsibilities, as well as understanding the nature of victimhood and victim agency, all depend on having an accurate grasp on the normative situation in which victims find themselves. When oppression is confused or conflated with distinct injustices, it's not only our thinking about oppression that gets distorted, but our thinking about obligations and the oppressed as well.

2. DISTINGUISHING THE INJUSTICE OF OPPRESSION³⁸

2.1. Why the Concept Matters

In the previous chapter I developed an effects-centered model of oppression, and I offered an account whereby a person is oppressed if their autonomy or their life prospects are systematically and wrongfully burdened. I argued that this approach provides a more straightforward and fundamental explanation of oppression than does the prevailing group relationship model, which holds that oppression occurs when the members of one social group are subordinated, marginalized, constrained, or displaced in a way that benefits the members of a different social group. And unlike the group relationship model, analyzing oppression in terms of its effects doesn't force us to draw arbitrary distinctions between seemingly identical harms, ignoring cases where individuals suffer the exact same burdens as commonly recognized victims of oppression. This satisfies the first of three criteria for what we need a concept to do, namely telling us what is and isn't a case of oppression.

While my account of oppression has certain explanatory advantages, the ultimate aim of this dissertation is to understand the agency of the oppressed: to understand what kinds of moral and political actors victims can and should be. Given this aim, one might wonder whether it's even necessary to wade into the controversy over what, exactly, oppression is. Do we really need to know *when* oppression obtains in the world if what

³⁸ My treatment of this topic has benefited greatly from conversations with Cheshire Calhoun, Thomas Christiano, Rachana Kamtekar, Michael McKenna, and David Schmitz.

we're trying to understand is what victims should do *if* oppression obtains? Why not allow competing accounts to independently identify what circumstances count as oppressive for which individuals, and then proceed with a neutral examination of the responsibility and obligations of *whichever* individuals happen to be so identified?

I contend that a modular approach of this sort is misguided for two reasons. First, it assumes that the specific nature of the victimizing experience doesn't influence what it means to be a victim or what can reasonably be expected of victims. In other words, it assumes that the details of a person's normative situation aren't relevant for action-guidance and action-assessment. That's a remarkable assumption. We need to establish how oppression affects victims before we can make substantive claims about the responsibility and obligations of those victims. The second reason why a modular approach is misguided follows from the first. If how we characterize the agency of victims depends on how we characterize what it is that they're victims *of*, then accounts that conflate or conceptually entangle oppression with distinct forms of injustice will confuse our attempts to model the agency of the oppressed. So if we want to take the agency of the oppressed seriously, we have to think about where oppressive burdens end and other wrongs begin. We can't be neutral about what oppression is, or what it entails.

Some examples will help. Suppose oppression is depicted as being truly overwhelming, an inescapable burden affecting all aspects of a victim's existence: their personal life, their productive life, and their public life. Nearly every experience is tainted by the burden of oppression, and victims are limited or humiliated in almost everything that they do. Now suppose instead that oppression is far less comprehensive

in nature, that all it means to be a victim of oppression is to be in some sense encumbered by one's circumstances. In other words, suppose that oppression is more of an obstacle than a plight. These differing conceptions of what oppression is yield equally different understandings of what it means to be a victim of oppression. For instance, it's quite plausible that victims of a mere obstacle are acting wrongly if they don't try to overcome their 'oppression' or at least work around it, if they immediately collapse in the face of adversity and wait for others to change their circumstances for them. After all, most everyone struggles in life at some point or another, and a person who responds with paralysis instead of perseverance probably reveals a blameworthy failing in their character.

But now imagine making similarly swift and sweeping claims about those who suffer under the type of unrelenting oppression that hits its victims from all sides, that unavoidably burdens their every activity and pursuit. Attributing wrongdoing and moral blame to *that* kind of victim, on the strength of simple platitudes about perseverance, fails to take into account the agency-undermining pressures victims face. Perhaps it's appropriate to expect less of such victims, or to reconsider whether the standard picture of moral responsibility applies to them. Whatever the actual answer, it's intuitive that questions about the obligations of such victims are very different from questions about the obligations of those confronting mere obstacles. And in the absence of concrete claims about whether oppression is more like a plight or more like an obstacle, we have no reason to think that we're meaningfully modeling the agency of the oppressed.

Other factors matter, too. Does oppression generate adaptive preferences, deforming the desires of its victims and undermining their status as autonomous agents? That's going to affect how we evaluate a victim that's complicit in their own oppression, as will knowing whether being oppressed is uniformly harmful for victims or whether it's conceivable that victims could in some way benefit from being oppressed. Is oppression always something external that happens to victims, akin to coercion or a rights violation, or is it possible for victims to contribute to their own oppression, or even to oppress themselves?

It's certainly plausible that whether victims of oppression have a duty to resist could depend on whether the absence of resistance contributes to oppression, and for that matter, on whether oppression is a group-level phenomenon or whether victims can be oppressed individually. And depending on how terrible a burden oppression is, might the wrongs they face absolve victims of wrongdoing if they retaliate violently, or if they act out in immoral ways? The answer to that last question might further depend on how oppression is caused. Does oppression only obtain when the deliberate intent is to burden the victims, or is it possible for people to contribute to oppression inadvertently, ignorant of the fact that one's actions burden others? For that matter, can omissions contribute to oppression?

Is oppression even one single phenomenon, reducible to a particular effect that it has on its victims, or does oppression instead refer to a family of distinct historical injustices, all of them problematic in their own way? If it's the latter, can we still model

the agency of “the oppressed”, or do we need as many faces of victim agency as there are faces of oppression?

The list of relevant factors goes on, but the point is clear. Knowing what oppression is, and just as importantly, knowing what oppression *isn't*, are prerequisites for making claims about what kinds of actors victims of oppression can and should be. And we can't make progress on this front if what it means to be oppressed is conflated or conceptually entangled with other forms of injustice. I've already argued that my concept of oppression has certain explanatory advantages,³⁹ including its ability to identify cases. I'll now address the remaining two criteria for what we need a concept to do. A concept of oppression should distinguish it from distinct forms of injustice, singling out the unique wrong of oppressive burdens. And most importantly, a concept of oppression should help us understand what kinds of moral and political actors those confronting oppression can and should be—including its victims.

In this chapter, I'll continue my advocacy by arguing that an effects-centered model of oppression can effectively and clearly distinguish the distinct injustice of oppression, making it the right model to use when thinking about victim agency. Debate can and should remain about some of the questions raised above—after all, my specific account of oppression isn't the only one that can fit the effects-centered model—but I'll suggest that any account understanding oppression as a particular kind of suffered effect

³⁹ One unmentioned advantage it has that unfortunately cannot, for considerations of space, be discussed here is its ability to navigate the problem of intersectionality. I thank Cheshire Calhoun for this observation.

is to be preferred over group relationship accounts, which cannot disentangle oppression from some or many other forms of injustice.

I contend that thinking about oppression as a particular kind of suffered effect provides a clear contrast with exploitation, domination, and intolerance. In the interest of space however, I'll mainly limit my discussion to exploitation, as it's the form of injustice with which oppression is most often conflated or conceptually entangled. I'll offer only brief parallels to domination and intolerance, enough to demonstrate that the exploitation results apply to distinct forms of injustice more generally. In §2.2 I'll investigate how elements of exploitation became a necessary condition in the prevailing understanding of oppression,⁴⁰ or in other words, why it's commonly held that being oppressed necessarily involves someone else is benefiting from your burdens. In §2.3 I'll argue that my account of oppression is both conceptually distinct from exploitation and that it easily sorts cases of oppression from cases of exploitation. In §2.4 I'll demonstrate how not disentangling oppression and exploitation makes it difficult to coherently model the agency of the oppressed.

2.2. Entangled Injustices

What is exploitation? Alan Wertheimer begins his sustained analysis of the phenomenon by introducing a broad definition with which “virtually everyone will

⁴⁰ Some of this information was surveyed briefly in the previous chapter, when I laid out the three basic models of oppression. Here the investigation is more rigorous, and pertains to the task of distinguishing exploitation from oppression.

agree,” namely that “A exploits B when A takes unfair advantage of B.”⁴¹ So when did taking unfair advantage of someone become a staple of discussions about oppression? According to Ann E. Cudd, the earliest examples of theorists incorporating concerns about exploitation into their accounts of oppression can be found in the 18th century. Liberal theories prior to this point generally understood oppression as coextensive with tyranny, or more broadly, oppression referred to “bad treatment by a ruler of his subjects collectively.”⁴² With the 18th century, the kinds of practices that were explicitly cited as instances of bad treatment by a ruler began to include overtaxation and the unequal distribution of tax burdens, as evidenced not only in the philosophical literature but also in the rhetoric of revolutions taking place at the time.⁴³

I disagree with Cudd that this marked a genuine expansion of what oppression was taken to mean, or that oppression was beginning to be understood in terms of exploitation. It’s undeniably true that some practices are both exploitative and oppressive—slavery is an obvious example—but recognizing that practices can be objectionable for more than one reason doesn’t imply that the reasons are linked at the conceptual level. It seems right to say that excessive taxation can be helpfully modeled both as rulers taking unfair advantage of their subjects and as rulers treating their subjects

⁴¹ Alan Wertheimer, *Exploitation* (Princeton University Press, 1996), 10. The exception is Alan Wood; see: 10n32.

⁴² Ann E. Cudd, *Analyzing Oppression (Studies in Feminist Philosophy)* (Oxford University Press, 2006), 6.

⁴³ *Ibid.*, 6.

badly,⁴⁴ but as I'll explain in §2.3, that isn't the same as claiming that excessive taxation is oppressive *in virtue of* being exploitative.

This particular disagreement aside, I'm in full agreement with Cudd that oppression was being understood either partly or entirely in terms of exploitation by the end of the 19th century. This development can be attributed to the works of Karl Marx and Friedrich Engels, and specifically to their focus on the division of labor as determining not only economic relationships between persons, but social and political relationships in turn. In a discussion of the different historical epochs ranging from tribal societies to capitalist societies, they write that the "various stages of development in the division of labour are just so many different forms of ownership, i.e. the existing stage in the division of labour determines also the relations of individuals to one another with reference to the material, instrument, and product of labour."⁴⁵ Continuing, they claim: "The fact is, therefore, that definite individuals who are productively active in a definite way enter into these definite social and political relations. Empirical observation must in each separate instance bring out empirically, and without any mystification and speculation, the connection of the social and political structure with production."⁴⁶

If the structure of a society depends on the mode of production, and if a given mode of production is considered to be inherently exploitative, then it makes sense to

⁴⁴ Of course, details matter. If excessive taxes are being levied against poor, unruly subjects for punitive reasons, and the additional pennies so squeezed add little to the coffers of the state, the practice is probably oppressive but isn't necessarily exploitative. On the other hand, if excessive taxes are being levied against prosperous subjects quite capable of bearing the burden, and if that's happening simply because the rulers have gotten greedy, the practice is straightforwardly exploitative but isn't necessarily oppressive.

⁴⁵ Karl Marx and Friedrich Engels, *The German Ideology* (New York: International Publishers, 1988 [1846]), 43.

⁴⁶ *Ibid.*, 46.

conclude that the related social structure is oppressive. We can see this connection at work when Engels explains how a proletariat seizure of the means of production as state property would result in the abolishment of classes as well as the state itself:

Society thus far, based upon class antagonisms, has need of the state. That is, of an organisation of the particular class which was *pro tempore* the exploiting class, an organisation for the purpose of preventing any interference from without with the existing conditions of production, and, therefore, especially, for the purpose of forcibly keeping the exploited class in the condition of oppression corresponding with the given mode of production (slavery, serfdom, wage-labour).⁴⁷

According to the Marxist understanding of history, oppression has simply been the inevitable consequence of one exploitative scheme of production after another, from the slave owners of ancient times to the feudal lords and the bourgeoisie that eventually replaced them.⁴⁸ Engels elaborates:

The separation of society into an exploiting and an exploited class, a ruling and an oppressed class, was the necessary consequence of the deficient and restricted development of production in former times. ... It is, therefore, the law of division of labour that lies at the basis of the division into classes. But this does not prevent this division into classes from being carried out by means of violence and robbery, trickery and fraud. It does not prevent the ruling class, once having the upper hand, from consolidating its power at the expense of the working class, from turning its social leadership into an intensified exploitation of the masses.⁴⁹

Due to the theoretical influence of Marx and Engels, by the end of the 19th century oppression, far from being a distinct phenomenon, was being understood either as a byproduct of exploitative relationships, or more generally as the manifestation of a struggle between a dominant class and an exploited class.

⁴⁷ Friedrich Engels, "Socialism: Utopian and Scientific," in *The Marx-Engels Reader*, ed. Robert C. Tucker (W. W. Norton & Company, 1978 [1880]), 713.

⁴⁸ It's interesting to ask whether Marx's conception of alienation is itself a form of oppression, and if so, whether it too is conceptually dependent on exploitation. I think it is, but I won't explore the matter here.

⁴⁹ *Ibid.*, 714.

While it wouldn't be surprising to see contemporary Marxists drawing tight conceptual links between exploitation and oppression, the practice of building exploitation into accounts of oppression, be it explicitly or implicitly, deliberately or unconsciously, is commonplace throughout the literature on oppression. To be clear, I don't here have in mind feminist criticisms of the sexual division of labor,⁵⁰ which I consider a very useful application of Marxist exploitation. What I mean is that over the course of the 20th century, even as discussions of oppression trended away from a focus on class conflict and toward a focus on group conflict more generally (e.g. racism, sexism, imperialism, heteronormativity), the connection between exploitation and oppression persisted. But stripped of the Marxist framework, the conceptual connection between exploitation and oppression doesn't hold, and the continued inclusion of exploitative elements in our concept of oppression serves only to confuse our understanding of oppression, and in turn, our understanding of the oppressed.

Just how strong is the assumed connection between oppression and exploitation, currently? Some, like Michael Freeman, maintain that the two concepts have overlapping but not interchangeable meanings.⁵¹ The assumed connection between wrongfully burdening others and taking unfair advantage of others only gets stronger from there. Marliyn Frye offers what is perhaps the canonical feminist framework for understanding oppression, namely that oppression is a limiting social structure. But she claims that in

⁵⁰ For instance, see: Margaret Benston, "The Political Economy of Women's Liberation," *Monthly Review* 21, no. 4 (1969): 13-27. For a non-Marxist treatment of the sexual division of labor, see: Susan Moller Okin, *Gender, Justice, and the Family* (New York: Basic Books, 1989).

⁵¹ Michael Freeman, "Oppression," in *The Encyclopedia of Ethics: Vol. II*, ed. Lawrence C. Becker and Charlotte B. Becker (New York: Garland Publishing, 1992), 921.

order to ascertain whether a particular structure is oppressive, “One must look at the barrier or force and answer certain questions about it,” including: “Who constructs and maintains it? Whose interests are served by its existence?”⁵² In other words, whether a person is a victim of oppression depends in part on whether someone else is benefiting at their expense (presumably unfairly so). Discussing patriarchy as a paradigm case of oppression, Frye observes that “the boundary that sets apart women’s sphere is maintained and promoted by men generally for the benefit of men generally, and men generally do benefit from its existence, even the man who bumps into it and complains of the inconvenience.”⁵³ Closely following Frye’s framework, Cudd’s account of oppressive social institutions involves four necessary and jointly sufficient conditions, the third of which is the privilege condition: “There is another social group that benefits from the institutional practice.”⁵⁴

Contrary to Cudd, Iris Marion Young argues that “it is not possible to give one essential definition of oppression,”⁵⁵ but she identifies exploitation as one of the five faces of oppression.⁵⁶ She writes: “The central insight expressed in the concept of exploitation, then, is that this oppression occurs through a steady process of the transfer of the results of the labor of one social group to benefit another.”⁵⁷ Young continues:

Feminists have had little difficulty showing that women’s oppression consists partly in a systematic and unreciprocated transfer of powers from women to men. Women’s oppression consists not merely in an inequality of status, power, and

⁵² Marilyn Frye, *The Politics of Reality* (Crossing Press, 1983), 14.

⁵³ *Ibid.*, 13.

⁵⁴ Cudd, *Analyzing Oppression*, 25.

⁵⁵ Iris Marion Young, *Justice and the Politics of Difference* (Princeton University Press, 1990), 42.

⁵⁶ *Ibid.*, 48. The other four faces are marginalization, powerlessness, cultural imperialism, and violence.

⁵⁷ *Ibid.*, 49.

wealth resulting from men's excluding them from privileged activities. The freedom, power, status, and self-realization of men is possible precisely because women work for them. Gender exploitation has two aspects, transfer of the fruits of material labor to men and transfer of nurturing and sexual energies to men.⁵⁸

In what I take to be a disjunctive approach somewhat similar to Young's, Sandra Bartky both recognizes and draws parallels to exploitation when arguing that psychological oppression should be considered one of the forms of oppression:

When we describe a people as oppressed, what we have in mind most often is an oppression that is economic and political in character. But recent liberation movements, the black liberation movement and the women's movement in particular, have brought to light forms of oppression that are not immediately economic or political. It is possible to be oppressed in ways that need involve neither physical deprivation, legal inequality, nor economic exploitation; one can be oppressed psychologically. ... Like economic oppression, psychological oppression is institutionalized and systematic...⁵⁹

To summarize, Frye and Cudd both treat exploitation, or one person taking unfair advantage of another person, as a necessary condition for oppression to obtain, while Young and Bartky contend that oppression sometimes *just is* exploitation.

I don't deny that describing the injustice of patriarchy, as it actually functions in the world, requires reference to both its oppressive characteristics and its exploitative characteristics, much as a description of the injustice of slavery was earlier acknowledged to be incomplete without reference to both. The same is probably true about the injustice of Western colonialism as well as the conquest of indigenous populations. But the fact that some instances of oppression are coincident with exploitation can't explain the prevalence of exploitation talk in accounts that purport to be about the phenomenon of

⁵⁸ Ibid., 50.

⁵⁹ Sandra Bartky, *Femininity and Domination: Studies in the Phenomenology of Oppression* (Routledge, 1990), 22f.

oppression simpliciter, such as Frye's and Cudd's. The empirical connection doesn't hold as tightly, and sometimes doesn't hold at all, when it comes to oppression that obtains due to prejudice or intolerance, for instance the oppression of racial minorities, religious groups, LGBT persons, political dissidents, and more generally the Other. The oppression of such persons may sometimes involve elements of exploitation and privilege, but that isn't true of every case. Arguing that the oppressed sometimes or even often suffer from other injustices is no reason to think that *oppression* is exploitative.

Demonstrating that an effects-centered model of oppression is uniquely suited to distinguishing oppression from exploitation involves showing that oppression and exploitation are conceptually distinct and that, as far as cases are concerned, they can be empirically distinct as well.

2.3. Comparing Oppression and Exploitation

In order to critically evaluate the connection between oppression and exploitation, I return now to Wertheimer's broad framework. While nearly everyone agrees that A exploits B by taking unfair advantage of B, according to Wertheimer, accounts of exploitation differentiate themselves by specifying the idea of "unfair advantage" in different ways—some by emphasizing the benefit to A, some by emphasizing the harm to B, and some by emphasizing the process or background conditions that enabled A to take unfair advantage of B.⁶⁰ Wertheimer catalogues the various accounts as follows:

⁶⁰ Wertheimer, *Exploitation*, 16.

Although none of the accounts denies that exploitation requires a gain to the exploiter, only some specifically mention that criterion. Some accounts invoke the Kantian notion that one wrongfully exploits when one treats another instrumentally, or merely as a means. On some accounts, the exploited party must be harmed whereas other accounts allow that the exploited party may gain from the relationship. On some accounts, the exploited party must be coerced whereas others require at least a defect in the quality of the consent, and another maintains that exploitation can be fully voluntary, in which case the author also maintains that the exploited party has no grievance.⁶¹

The point isn't that only some of these accounts succeed in talking about "exploitation" properly understood, but rather that depending on how the idea of unfair advantage is specified, different ranges of properly exploitative cases are picked out.

Wertheimer is himself primarily interested in transactions that are unfair but nonetheless mutually advantageous, since this range of cases poses the most interesting theoretical challenges, but every one of the accounts catalogued above is an account of exploitation.⁶² The possibility of mutually advantageous exploitation provides compelling evidence in favor of disentangling exploitation and oppression, as experiencing burdened autonomy or life prospects hardly qualifies as beneficial. But I'll here defend the stronger claim that even the general framework of exploitation suggested by Wertheimer is importantly distinct from oppression. As I'll argue, they don't even overlap.

So, A exploits B when A (in some sense) takes unfair advantage of B. Compare this to the account of oppression developed in the previous chapter: oppression is a systematic and wrongful burdening of a person's autonomy or their overall life prospects.

⁶¹ Ibid., 12. The final author referred to in this passage is Joel Feinberg; I'll have more to say about his account below.

⁶² Ibid., 15.

To make the comparison between the two cleaner, let's say that A oppresses B when A contributes to the systematic and wrongful burdening of B's autonomy or overall life prospects. This formulation of oppression fully preserves the original meaning, as I earlier argued that particular acts or actors usually only contribute to oppression in tandem with other acts or actors, and that oppressive circumstances are the cumulative effect of these contributions. This new formulation differs only in its inclusion of the already implicit oppressor role and victim role. For clarity's sake, then:

Wertheimer's general analysis of exploitation: "A exploits B when A (in some sense) takes unfair advantage of B."

Effects-centered account of oppression: "A oppresses B when A contributes to a systematic and wrongful burdening of B's autonomy or overall life prospects."

Let's begin by investigating whether these two phenomena, so analyzed, share an overlapping meaning.

The above accounts agree that A is doing something at least presumptively wrong to B, but this similarity alone isn't enough to warrant incorporating exploitative elements into our concept of oppression. The presumptive wrongdoing merely marks them both as potential forms of injustice.

The same is true if we claim that B is harmed in both cases: this gives us reason to think that we're describing injustice, but not reason to think that we're describing the *same* injustice. And while oppression is necessarily harmful, the possibility of

exploitative transactions that are nonetheless positive sum, such as price-gouging,⁶³ prevents us from saying that the most general analysis of exploitation treats “harm to B” as a necessary condition. As Wertheimer explains, there is a morally salient difference between arguing that B is harmed “only by reference to the fairness baseline” (e.g. when a basic good is priced higher in the wake of a natural disaster)⁶⁴ and arguing that B is harmed “relative to both the fairness baseline and the no-transaction baseline” (when the exploiter not only benefits unfairly from the transaction, but leaves the exploited party worse off than she otherwise would have been, e.g. slavery).⁶⁵ Demonstrating that B has been harmed by transacting with A has different implications for the wrongdoing of A and the victimhood of B than does demonstrating that B, although better off as a result of transacting with A, didn’t benefit quite as much as A did or as much as would have been preferred.

Rejecting outright “harm to B” as a necessary condition of exploitation, Joel Feinberg contends that “a little-noticed feature of exploitation is that it *can* occur in morally unsavory forms without harming the exploitee’s interests and, in some cases, despite the exploitee’s fully voluntary consent to the exploitative behavior.”⁶⁶ Recall Wertheimer’s broad framework whereby accounts of exploitation specified the idea of

⁶³ Ibid., 18-24. See also: Matt Zwolinski, “The Ethics of Price Gouging,” *Business Ethics Quarterly* 18, no. 3 (2008): 347-378.

⁶⁴ Such a transaction is positive sum because, presumably, the exploited party wouldn’t agree to the transaction unless obtaining the overpriced good was a better outcome for her than foregoing the overpriced good and retaining her money. Additional examples of potentially unbalanced transactions that are difficult to classify as harmful include “profits from the AIDS drug AZT, surrogate motherhood contracts, [and] organ transplants.” Wertheimer, *Exploitation*, 22.

⁶⁵ Ibid., 23. Contending that unfair transactions are necessarily also harmful transactions has the somewhat paradoxical implication that parties can be harmed by Pareto-superior improvements.

⁶⁶ Joel Feinberg, *Harmless Wrongdoing* (Oxford University Press, 1998), 176. Original italics.

unfair advantage by emphasizing the benefit to A, the harm to B, and/or the process or background conditions that enabled A to take unfair advantage of B. It's notable that Feinberg's version of a general analysis of exploitation omits the middle approach: "Put very vaguely, all interpersonal exploitation involves one party (A) profiting from his relation to another party (B), by somehow 'taking advantage' of some characteristic of B's, or some feature of B's circumstances."⁶⁷

Feinberg observes that even "harmless parasitism" can satisfy the conceptual scheme of exploitation.⁶⁸ While he admits that exploitation often does have a harmful component, there's good reason to think that exploitation can obtain without harming anyone. The same isn't true of oppression, however. If B isn't harmed, B isn't oppressed. Harm is inherent to both burdened autonomy and burdened life prospects, so much so that it doesn't make sense to talk about circumstances harmlessly burdening a person's autonomy or life prospects.

Even if we reject the analyses of Feinberg and others, and insist that exploitation is necessarily harmful, the harm being done to B by exploitation is both qualitatively and quantitatively different from the kind of harm being done to B by oppression. With oppression, B's autonomy or overall life prospects are burdened. Does exploitation

⁶⁷ Ibid., 178.

⁶⁸ Ibid., 14. "Professor Zeno Vendler once recounted an experience he had as a motorist in a pea-soup fog on the Palisades Parkway in New Jersey. Visibility was reduced to a dangerous point, and Vendler drove very slowly, peering intently into the scattered beams from his headlights. Suddenly he noticed a flash of light in his rearview mirror. Another motorist had apparently pulled off the road to wait in the darkness for a car to pass, and had then turned his headlights back on, pulled back on the road, and made his way through the fog by keeping Vendler's red taillights in view. This is a perfect example of parasitic exploitation. Vendler was doing the hard work and anxious work for both of them, while the parasite's progress was relatively effortless. The parasitic driver's practice offends the sense of justice; yet he did not harm Vendler's interests in any way. Vendler's plight was made no worse than it would have been had the parasite not appeared behind him. ... [I]t does seem in the particular case to be a piece of harmless behavior that is nonetheless to some degree morally blameworthy, hence an 'evil'."

necessarily do *that* kind of harm? Imagine a schoolyard bully threatens to pummel a fellow student unless he hands over his lunch money. If the child complies with the bully, that bully has harmfully taken advantage of him. But unless “overall life prospects” is implausibly specified in purely additive terms, and unless we think that a single instance of coercion is sufficient to burden one’s autonomy, the bullied child hasn’t suffered an oppressive harm.

It might be objected that this disanalogy is misleading, since many of the activities that contribute to oppression, such as the telling of racist jokes, also aren’t sufficient to burden autonomy or overall life prospects. That’s true. However, this objection rests on a twofold conflation of “oppression” with “acts that contribute to oppression”, and of “oppression” with “burdened autonomy or overall life prospects”. I nowhere argued that acts contributing to oppression couldn’t burden autonomy or life prospects by themselves, just that these acts normally couldn’t constitute oppression by themselves. Oppression, after all, isn’t coextensive with burdened autonomy or life prospects. Autonomy can be burdened absent oppression, such as when a person suffers from a crippling drug addiction.⁶⁹ Life prospects can also be burdened absent oppression, such as when a person contracts a terminal illness. Oppression isn’t just the having of burdened autonomy or life prospects: it’s a social circumstance where one or both are burdened in systematic and wrongful ways.

⁶⁹ I’m persuaded that there are cases of drug addiction, suitably described, where the addict can be described as a victim of oppression, or can perhaps be described as oppressing himself. My point here is simply that the burdening of autonomy isn’t by itself sufficient for oppression.

The point is that while a single oppressive act can rarely by itself constitute oppression, *oppression* always burdens either one's autonomy or one's life prospects. But a single exploitative act can by itself constitute exploitation, and since not all exploitative acts burden autonomy or overall life prospects, *exploitation* doesn't always burden autonomy or overall life prospects.

The above objection reveals an additional and significant difference between oppression and exploitation. Recall that oppression is normally a diffuse phenomenon, a critical mass of activities and beliefs and norms and practices and so forth that, when experienced altogether and over time, have the effect of burdening a person's autonomy or life prospects. The nature of exploitation is quite different: as was just discussed, exploitation can and often does obtain as the result of a single action by a single actor in a single instance. Exploitation isn't as reliably a diffuse phenomenon, and exploitation can fully obtain absent an ongoing circumstance.

That said, theorists of exploitation often emphasize that exploitation can indeed be systematic, that there's little incentive for exploiters to walk away from opportunities to take unfair advantage of others, and that exploitative circumstances often leave the exploited parties with no alternative but to submit to continued exploitation. Citing the ongoing nature of exploitation as one of the similarities between exploitation and oppression, Judith Farr Tormey writes:

Mining, lumbering, whaling and other large scale, long term operations come readily to mind when one looks for examples of exploitation. Similarly, in human relationships, exploitation typically appears in associations over an extended period of time in which *roles* can be identified, e.g. master-slave, colonial-subject, pusher-addict. (Oppression, in its socially significant forms, is also

characteristically a long term relation which facilitates exploitation in that it renders the use of persons for gain less difficult.)⁷⁰

Young, as I pointed out above, identifies exploitation as the “steady transfer of the results of the labor of one social group to benefit another.”⁷¹ She further contends that the injustices of exploitation “cannot be eliminated by redistribution of goods, for as long as institutionalized practices and structural relations remain unaltered, the process of transfer will re-create an unequal distribution of benefits.”⁷² And of course most famously, Marx argued that exploitation is both ongoing and inescapable when one oligarchic social group owns the means of production and when there exists a reserve army of the unemployed.⁷³

Yet none of these practices, including Marx’s depiction of capitalist activity, count against the fact that exploitation can indeed be an isolated occurrence that fails to burden either one’s autonomy or one’s overall life prospects.⁷⁴ Stable patterns of harmful exploitation are certainly morally and politically problematic, but exploitation isn’t either necessarily harmful or necessarily a stable pattern. Pointing to cases where exploitation

⁷⁰ Judith Farr Tormey, “Exploitation, Oppression, and Self-Sacrifice,” in *Women and Philosophy: Toward a Theory of Liberation*, ed. Carol C. Gould and Marx W. Wartofsky (Putnam’s Sons, 1976), 211. Original italics. Also of interest is Tormey’s insight that the exploitee needn’t be a human being. This isn’t the case with oppression. Meanwhile, some ordinary uses of the term “oppression” involve non-human forms of oppression, such as terribly hot weather, but this isn’t the case with exploitation. As for Tormey’s suggestion that oppression and exploitation share a “facilitating relationship”, I’ll discuss that in some detail below.

⁷¹ Young, *Justice and the Politics of Difference*, 49.

⁷² *Ibid.*, 53.

⁷³ Karl Marx, *Das Kapital*, ed. Rodrigo Andrés García Pinochet (Synergy International of the Americas, 2007 [1867]), 332-342.

⁷⁴ Presumably, Marx didn’t believe that communist societies would lack exploitation altogether, but instead that they’d lack what he meant by exploitation, namely exploitative modes of production and exploitative relationships between classes. There are, however, many other ways to unfairly take advantage of a person. Zeno Vendler’s driving anecdote, as related by Feinberg, could have occurred just as easily in a communist society.

is both harmful and stable shows only that exploitative practices can potentially rise to the level of being oppressive burdens, but this is in no way unique to exploitative practices. The kinds of social circumstances that can systematically and wrongfully burden a person are many and varied. It's conceivable that an ordinance mandating that obnoxious pop music be blasted at deafening levels wherever people are trying to enjoy a quiet moment may well constitute an oppressive effect, but it doesn't follow that loud music is inherently oppressive or that an analysis of oppression is incomplete if no reference to loud music is made.

There's a significant difference between claiming that some exploitative practices can also be considered oppressive and the kind of claims that many authors are making, namely that oppression can, and perhaps even must, be analyzed at least partly in terms of exploitation. That's a different conceptual relationship, both in its direction and in its nature. And this is all assuming, for the sake of argument, that harmful and stable exploitation can constitute an oppressive burden, which isn't always true. Blackmailing Bill Gates for \$10,000 a year is an example of harmful and stable exploitation,⁷⁵ but even

⁷⁵ As an aside, it's interesting that discussions of the general phenomenon of exploitation often focus exclusively on whether modern day capitalism—or more generally, the unequal possession of resources—inherently leads to the exploitation of vulnerable segments of society, such as the poor, the marginalized, the dependent, and the powerless. On the one hand, this makes sense: the vulnerable warrant more attention because their circumstances are much more dire, and theorists concerned with social justice are naturally inclined to pay them that attention. But on the other hand, focusing exclusively on the exploitation of vulnerable populations offers an incomplete understanding of exploitation. If exploiting someone involves taking unfair advantage of that someone, then it seems as if free riders are engaging in exploitative behavior when they consume shares of the social surplus unfairly in excess of their contribution to the social surplus. It's also possible that progressive taxation is exploitative, especially when taxes are used to fund social programs that do not benefit those in the highest income bracket. What's more, it makes some sense to say that recidivist criminals take unfair advantage of societies that are 'soft' on crime, since the tolerant leniency of others is what enables victimization once recidivists are released. And frankly, I see no reason why it shouldn't count as exploitation when paparazzi and 24-hour news outlets hound celebrities that lead scandalous personal lives. If exploitation is an injustice, then it's an injustice when it strikes outside of vulnerable populations, too.

if we grant, I think rather implausibly, that being blackmailed necessarily burdens his autonomy or his overall life prospects, blackmailing still doesn't satisfy the comprehensive condition of systematic oppression: being blackmailed doesn't impact all or nearly all domains of an incredibly rich man's life. It's a burden, but not one that, as it were, hits this person from all sides.

The preceding discussion undercuts the claim that the presence of exploitation is sufficient for oppression to obtain. That an exploitative relationship arises between two persons clearly doesn't guarantee that the exploited party will find themselves confronting a systematic and wrongful burdening of their autonomy or their overall life prospects. But what about the claim that the presence of exploitative elements is necessary for oppression to obtain? That's an even more challenging position to hold. Returning to an earlier example, victims of ongoing prejudice and intolerance are likely oppressed, but their oppressors needn't attempt to extract unfair benefits from them in order for that to be the case. In fact, their oppressors may well prefer to avoid interacting with them on any level, which would contribute to their oppression but preclude their exploitation.

It's possible to object that intolerant people take unfair advantage of the oppressed precisely by enjoying the homogeneity their absence guarantees. However, this rather stretches the meaning of an exploitation relationship. A taking advantage *of* B is different from A taking advantage of B's *absence*. The fact that A benefits from something B considers harmful doesn't mean that A is taking unfair advantage of B. Consider a misanthrope who delights in watching car crashes from his apartment

window. He's certainly experiencing inappropriate pleasure from the misfortune of those on the street below, but is he taking unfair advantage of them? At the very least, taking advantage of person requires doing something to or with that person. Exploitation is inherently interactive. Nor is it clear why it's unfair for people to feel pleasure at another's misfortune. It may reveal a moral failing in one's character, to be sure, but while having opportunities to feel pleasure can perhaps be fair or unfair, it's a mistake to characterize sources of pleasure themselves as either fair or unfair.

Alternatively, one might object that intolerant people who keep homogenous company are privileged in virtue of others' absence, and that this privilege is an unfair benefit they derive from the burden those others experience. While I do think marginalization and displacement can privilege others, they do so, for example, by opening up opportunities that wouldn't be available if certain others weren't marginalized and displaced. Merely enjoying someone's absence for its own sake doesn't necessarily constitute privilege in the pernicious sense, because experiencing hateful pleasure might not rise to the level of systematic advantage. It's also worth noting that intolerant people can benefit from the absence of others regardless of whether their absence actually burdens them, whereas privilege connotes advantage arising from another's disadvantage. Arbitrary exclusion from, say, the democratic community is likely to constitute a burden, but exclusion from more trivial communities or associations isn't necessarily burdensome at all. Given this fact, it would be strange to characterize the pleasure experienced by the intolerant as problematic privilege, but even if we stretched the meaning in that direction, the lack of an imposed burden would preclude it from being a case of oppression.

Unlike many theorists of oppression, theorists of exploitation often deny that there's a necessary connection between exploitation and oppression. Wertheimer, for example, offers without argument a rough conception of oppression whereby A oppresses B when "A deprives B of freedoms or opportunities to which B is entitled."⁷⁶ He continues:

If A gains from the oppressive relationship, as when A enslaves B, then A may both oppress and exploit B. But there is no reason to think that A always gains from oppression, and when A does not gain, there is no reason to regard the oppression as exploitative. Parents can be oppressive without being exploitative. Or consider the plight of the unemployed. We might want to say that the unemployed are oppressed, but unless we could specify the ways in which some gain from the fact that the unemployed are unemployed, it would be odd to say that the unemployed are being exploited.⁷⁷

Similarly, in Tormey's account of exploitation, the second of four necessary conditions is that "Exploitation necessarily involves benefits or gains of some kind to someone," and she immediately contrasts this characterization with oppression, which "may exist without anyone's gaining from it."⁷⁸ "In fact," Tormey writes, "it has been noted that because oppression prevents persons from functioning fully in the ways they could function if they were not hampered by truncated self-images and lack of self-respect, everyone, oppressor and oppressed alike often loses."⁷⁹

It's difficult to sustain the claim that oppression can, and perhaps even must, be analyzed at least partly in terms of exploitative elements when the presence of exploitation is neither necessary nor sufficient for oppression to obtain. And the closest

⁷⁶ Wertheimer, *Exploitation*, 18. I suspect that this conception is overly exclusive. Interestingly, it also appears to be an example of an action-centered account of oppression.

⁷⁷ *Ibid.*, 18.

⁷⁸ Tormey, "Exploitation, Oppression, and Self-Sacrifice," 207.

⁷⁹ *Ibid.*, 217.

the two concepts come to having an overlapping meaning is the observation that oppressors and exploiters are quite possibly (though not necessarily) both wrongdoers. That said, there's one remaining argument in favor of claiming that oppression cannot be discussed separately from exploitation, and of the rationales considered thus far, I find it to be the most compelling. Interestingly, it's Tormey that advances the argument in question, and as we just saw she flatly denies that oppression necessarily involves some kind of gain to the oppressor or that oppression and exploitation have a substantively overlapping meaning.

In the previously cited passage where Tormey observes that exploitation is typically a stable phenomenon, she goes on to say: "Oppression, in its socially significant forms, is also characteristically a long term relation which facilitates exploitation in that it renders the use of persons for gain less difficult."⁸⁰ What's important for our purposes is her conception of an "oppressive device", an effect similar to the internalization of oppressive attitudes. Unlike Bartky, who argues that oppression can and often does have a psychological component, Tormey maintains that oppression necessarily involves "influence on psychological states"—a person isn't a victim of oppression *unless* they are made to have certain beliefs about themselves, "including beliefs about the proper social position for one to occupy that result in patterns of behavior which conform to an inferior or subsidiary social role, beliefs which, in effect, keep one 'down'."⁸¹ This belief-generating effect that oppression has on its victims is an oppressive device. So how do internalized beliefs facilitate exploitation?

⁸⁰ Ibid., 211.

⁸¹ Ibid., 216.

Tormey argues that if her conception of oppression is correct, oppression “can be seen as a special form of enslavement.”⁸² Occupying a subservient role which a person believes they deserve to occupy can make that person not only submit to exploitative transactions without resistance, but sometimes even initiate unbalanced transactions without active prompting from their exploiters.⁸³ One specific example is the “morality of self-sacrifice”, an oppressive device that for the most part targets women.⁸⁴ Victims of this oppressive device internalize a principle whereby “one always (or for the most part) ought to give up benefits to which one has a right, or assume more than one’s fair share of burdens for the sake of furthering the interests of others.”⁸⁵ This morality of self-sacrifice, common to patriarchal societies, subtly enslaves women:

[W]omen are taught to believe that there is something inherently valuable in giving greater weight to the interests of others than to their own. Women are convinced by their upbringing, by their education, by incessant advertising that they *ought* to be self-sacrificing as a part of the morality of their social roles. Thus, many women ‘willingly’ take less than they deserve of things which are desirable and more than they deserve of burdens. They play subsidiary roles designed to further the interests of others because they are convinced of the moral value of self-sacrificing behavior—at least its moral value if one is a woman.⁸⁶

The argument, in short, is that oppression necessarily involves the internalization of oppressive attitudes concerning the inferiority of the victim and the superiority of certain

⁸² Ibid., 217.

⁸³ Calling the recipients of this self-sacrificing behavior “exploiters” is potentially problematic, as many theorists deny that exploitative relationships can be voluntary in nature, arguing *pace* Feinberg that these relationships are necessarily either outright coercive (ex. Stanley Benn, Robert E. Goodin, Nancy Holmstrom, Barrington Moore, and Jeffrey Reiman) or that the consent of the exploited party isn’t meaningful consent (ex. John Lawrence Hill and Andrew Levine). See: Wertheimer, *Exploitation*, 11f. Straightforward assessment becomes even more problematic when we consider cases of mutually advantageous exploitation, although the context of Tormey’s argument suggests that she’s exclusively addressing exploitation of the zero-sum variety.

⁸⁴ Tormey, “Exploitation, Oppression, and Self-Sacrifice,” 218.

⁸⁵ Ibid., 219.

⁸⁶ Ibid., 219. Original italics.

others, and once a victim accepts that they're inferior to certain others, they're disposed to either enter into or submit to exploitative relationships with those certain others. Oppression facilitates exploitation.

This reverses the more common order of explanation, where exploitation gives rise to oppression. So while oppression still can't be analyzed in terms of its exploitative elements, Tormey's suggestion is that one cannot adequately understand what effect oppression has on its victims without paying attention to the very real possibility that victims of oppression are especially vulnerable to exploitation. Even if one denies that oppression necessarily involves the internalization of oppressive attitudes, as I do, victims of oppression are vulnerable to exploitation in another, even more straightforward way: given that victims of oppression are likely to have less social standing and power than their oppressors, they might have too few opportunities to realistically avoid accepting exploitative relationships, or they might be outright forced into exploitative relationships.

There are several responses one can make to Tormey's claim about the exploitation-facilitating nature of oppression, including one that was already rehearsed: while some kinds of oppression do facilitate exploitation, oppression that obtains due to prejudice or intolerance isn't inherently conducive to exploitation. For instance, people who are openly lesbian or gay are commonly unable to marry and face disproportionate difficulty when trying to adopt children or form legally protected family units. These kinds of harms constitute an oppressive burden, and they do, as a matter of fact, systematically privilege heterosexuals. But this kind of oppression doesn't inherently

facilitate the exploitation of LGBT persons by heterosexuals. The abovementioned burdens are oppressive because they limit the kinds of socially recognized, valuable interactions lesbians and gays can have with each other, not because heterosexuals unduly or unfairly benefit from their interactions with lesbians and gays. More generally, although intolerance can sometimes lead to vulnerability, it doesn't always facilitate exploitation. Intolerance can instead lead to a pattern of non-interaction, which precludes exploitation.

The oppression of LGBT persons can be adequately understood without reference to an exploitation-facilitating effect. But is this sufficient reason to reject Tormey's facilitation relation? I think not. If we understand the facilitation relation as a feature of some, though not all, oppressive burdens, then the facilitation relation is a useful tool for fully understanding the nature of those specific circumstances. However, if the argument is simply that being oppressed can sometimes cause additional, non-oppressive harms such as exploitation, then there's no reason to treat exploitative elements as integral to our understanding of oppression. There's nothing unique about exploitation in this regard: one reason why oppression is so problematic is its potential to lead to all sorts of further harms. Why single out exploitation? What about the other faces of oppression Young identifies? Oppression can certainly lead to marginalization, powerlessness, cultural imperialism, and violence. And the list doesn't stop there. So either we can only understand what oppression *is* by referencing the full list of non-oppressive harms it sometimes facilitates—which strikes me as unmotivated—or analyzing oppression as a harm that benefits others is an arbitrary concession to one of many mere possibilities.

Under the group relationship model, oppression is conflated or conceptually entangled with exploitation because the presence of a benefitted party is necessary to classify a particular case as an instance of oppression. As I've demonstrated, an effects-centered model of oppression yields a concept that's entirely distinct from ordinary understandings of exploitation.

The same method can be repeated for other forms of injustice, such as domination. We can imagine cases of domination that don't involve oppression, such as a benevolent despot that reflects the will of the people—albeit without consultation—and rules in a way that's autonomy and life prospects-enhancing. It doesn't seem to me that the absence of democratic input is necessarily oppressive.⁸⁷ And we can also imagine cases of oppression that don't involve domination. Suppose a population rules itself entirely through referendum. Suppose further that, by unanimous vote, the electorate enacts a policy that ends up burdening their own life prospects. Perhaps a set of terrible economic policies are adopted, resulting in crippling overtaxation, underemployment, hyperinflation, and so forth. Needless destroyed wealth resulting in poor overall life prospects meets the test of being systematic, and by at least some lights, it meets the test of being substantively (if not procedurally) wrongful as well. But it's not a plausible case of domination, because the oppressed group just is the oppressing group. No one has unjust power over anyone else, and since the vote was unanimous, no one exercised their power over others unjustly. It's a consequence of the effects-centered model that people

⁸⁷ Especially when we consider that democratic input often amounts to nothing more than casting statistically insignificant votes in an attempt to affect periodic electoral outcomes.

can, in principle, oppress themselves, allowing us to conceptually distinguish between oppression and domination.

We can also imagine cases of oppression that don't involve intolerance. Suppose one nation has invaded another, and a citizen of the occupied country opts to become a collaborator. He doesn't do so out of fear for himself or his family, but simply for financial gain. Learning of an important meeting of the resistance leaders, he betrays their location to agents of the occupying nation. This collaborator has clearly contributed to the oppression of his own people, but there doesn't seem to be any intolerance involved. Being a victim of intolerance involves being subjected to targeted disrespect in virtue of some trait or feature that others find repugnant. The collaborator has no such feelings or beliefs: he's merely acting on an opportunity for easy profit. Lastly, we can imagine cases of intolerance that don't oppress. Suppose someone attempts to torment another because of some trait or feature he finds repugnant, but does so in such a shockingly blatant and outmoded fashion that he ends up triggering a teachable moment that calls attention to the wrongs endured by the members of the targeted social group. We can say in such a case that the bigot ended up inadvertently minimizing oppression rather than contributing to it, but there's no doubt that his actions were still wrongfully intolerant.

I've demonstrated that understanding oppression as a particular kind of suffered effect disambiguates and disentangles oppression from other, distinct forms of injustice—especially exploitation, the injustice with which it's most often associated and confused. It remains to be shown that failing to distinguish oppression from these other injustices

makes it difficult to coherently model the agency of the oppressed. It's to that task that I now turn. Once again, I'll focus on exploitation.

2.4. Comparing the Oppressed and the Exploited

Since the later chapters of this dissertation are exclusively concerned with modeling the moral and political agency of the oppressed, the comments that follow are unavoidably provisional and general. That being said, we know enough about the features of oppression and exploitation to observe some important differences between the oppressed and the exploited.

Let's begin with the idea that exploitation can obtain without actually harming B. I argued in §2.3 that the same isn't true of oppression. If B isn't harmed, B isn't oppressed; harm is inherent to both burdened autonomy and burdened life prospects. This dissimilarity between oppression and exploitation in turn reveals important dissimilarities between the victimhood of the oppressed and the victimhood of the exploited. If a person is on the unfair end of an exploitative transaction, it's plausible not only that they've been made better off as a result of the transaction, but that given their circumstances, the exploitative transaction was better than all of the available alternatives. Such transactions can be fully voluntary, consented to without coercion or defect, and rationally sought out by the exploited party themselves. As Feinberg

maintains: “In these cases there is no wrongful loss for the exploitee, who can himself have no grievance.”⁸⁸

Of course, not all cases of exploitation fit this pattern. My claim isn't that oppression is always harmful while exploitation never is. My claim is instead that the considerable flexibility Wertheimer demonstrates in which cases count as exploitative suggests that being a victim of exploitation is a strikingly varied experience. If you're a victim of exploitation, it's possible that you've been harmed, but it's also possible that you've been made better off. It's possible that your consent was meaningless, forced, or never given at all, but it's also possible that you're a fully autonomous agent in every respect, and that you'll continue to be a fully autonomous agent after the exploitative transaction has occurred. It's possible that you're a victim of a profound injustice, deserving of redress or rescue, but it's also possible that in a non-ideal world, your overall life prospects would be greatly diminished if the exploitative transaction in question was no longer allowed to take place—and if that's the case, it's possible that some circumstances can be made less oppressive by participating in resource-building exploitative transactions.⁸⁹

Being a victim of oppression, on the other hand, isn't varied in the same way. If a person is a victim of oppression, they're confronting circumstances that necessarily make them worse off. A possible exception to this rule is if the oppressive circumstances in which they find themselves actually replaced an earlier, and far worse, form of

⁸⁸ Feinberg, *Harmless Wrongdoing*, 176.

⁸⁹ One interesting aspect of non-ideal theory is that it invites us to consider potential tradeoffs between different forms of injustice.

oppression.⁹⁰ When that's the case however, I think it's correct to say that they haven't been made better off in virtue of being oppressed in this new way: they're simply less worse off than they were previously because they're no longer being oppressed in the old, far worse way. Relatedly, it's conceivable that victims might one day benefit as a result of having been oppressed, for example if the adverse experience built their character or if their ever-worsening plight brought external attention to a previously overlooked problem, but in such cases victims aren't really being made better off by their oppression. Rather, victims are being made better off by their own (or someone else's) *reaction* to their oppression.

Even if a victim of oppression did develop a stronger, more resilient, more compassionate character as a result of being oppressed, often oppression either interferes with or outright undermines one's autonomy while it's ongoing, and perhaps afterwards as well.⁹¹ To be autonomous is to be self-directing, but oppressive circumstances are oppressive partly or perhaps entirely in virtue of the fact that they impose external and sometimes internal constraints on agents. This same inherent threat to one's autonomy doesn't extend to all instances of exploitation however, since exploitation can be mutually beneficial as well as voluntary, not to mention a single occurrence rather than an ongoing state of affairs. It's true that exploitation is most often facilitated by external constraints, such as the absence of desirable alternatives apart from submitting to exploitative transactions, but saying that exploitation can be facilitated by external

⁹⁰ I thank David Schmidtz for this observation.

⁹¹ See: Tamara Zutlevics, "Toward a Theory of Oppression," *Ratio*, 15, no. 1 (2002): 80-102. Zutlevics contends that to be oppressed is to be denied a "just and reasonable opportunity to pursue a resiliently autonomous life." *Ibid.*, 82.

constraints is different from saying that exploitation is the sort of phenomenon that reliably threatens autonomy. It doesn't do so categorically, or perhaps even normally.

Furthermore, if a person were to voluntarily seek out opportunities to have their autonomy or their overall life prospects wrongfully burdened, then unless they're making a sacrifice on behalf of someone else, their behavior can only be considered irrational or profoundly masochistic. In contrast, while exploitation is always in some sense unfair, engaging in exploitative transactions might be entirely rational; a person might even be doing themselves a disservice if they forego exploitative transactions. No heroic sacrifice is required to make participation in an exploitative relationship defensible. This certainly has implications for whether victims of the respective phenomena are doing wrong when they fail to resist their own victimization, as well as for whether being complicit in one's own victimization reveals a blameworthy moral failing.

Indeed, precisely because exploitative transactions have the potential to be mutually advantageous, or to sometimes even be in the best interest of the exploited party, theorists of exploitation often have difficulty explaining why the exploited should disregard these potential benefits. Tormey, for instance, contends that "to freely accept being exploited is to encourage selfishness [in their exploiter]. To encourage selfishness is to do something wrong. Therefore, the exploitee in such cases is an appropriate target of moral censure."⁹² This strikes me as being a rather demanding standard, especially since agents are probably more likely to consent to exploitative transactions when their circumstances are wanting or their options are few. When a person is disadvantaged by

⁹² Tormey, "Exploitation, Oppression, and Self-Sacrifice," 215.

their circumstances, it's inappropriate for that person to blame himself or herself for trying to improve their own material well-being or life prospects in a way that's mutually advantageous and harmful to no one—and it's inappropriate even if we grant that agents do wrong when they encourage selfishness in others. Given the distinct nature of oppressive circumstances, it's unlikely that the same assessment holds for victims who are complicit in their own oppression. Indeed, I'll argue in chapter four that unless non-resistance is excused by considerations of objective well-being, complicit victims both act wrongly and reveal a blameworthy moral failing.

The possibility of mutually advantageous exploitation isn't the only source of dissimilarity between the oppressed and the exploited. Oppression, on my view, systematically and wrongfully burdens autonomy or overall life prospects. In §2.3 I established that exploitation can obtain without being systematic (in the sense of being comprehensive and ongoing), and without being a diffuse phenomenon constituted by the actions of many different actors occurring in tandem. These structural differences are highly relevant when asking whether the respective victims should be forgiven their immoral conduct in virtue of their victimhood, when asking whether having vicious or otherwise deficient characters should be treated as a blameworthy moral failing of the victims, and perhaps most importantly, when asking whether victims have an obligation to resist and what means victims should and shouldn't employ when they're resisting.

Put simply, the moral and political agency of the oppressed is very much shaped by the fact that they're victims of a pernicious, unrelenting, and wrongfully imposed set of burdens, one that threatens their autonomy and life prospects. The altogether different

nature of being unfairly taken advantage of by another party won't permit, justify, or excuse the exact same deviations from standard depictions of responsible agency, and depending on the details of a given case, it might not permit many or any deviations at all. That's not to say that all cases of exploitation have strictly trivial impacts on agency. Exploitation can also be harmful and ongoing, as well as imposed rather than chosen. Some forms of exploitation can burden overall life prospects, and some forms of exploitation can even rise to the level of constituting an oppressive burden. Such forms of exploitation warrant resistance, and the agency of those thusly exploited requires special attention. In such cases, action guidance and action assessment for victims of exploitation might resemble or parallel action guidance and action assessment for victims of oppression.

Again though, we must recall the remarkably varied experience of being exploited: sometimes harmful and sometimes not, sometimes structurally inescapable and sometimes fleeting or even avoidable. We should expect the agency of the exploited to be similarly disjunctive: sometimes warranting resistance and sometimes not, sometimes excusing moral failings and sometimes not. But the varied experience of being exploited will make it difficult to coherently model the agency of the *oppressed* if it's insisted that oppression can, and perhaps even must, be analyzed at least partly in terms of exploitation.

What it means to be a victim of oppression might be obscured by the more benign variants of exploitation, variants that my account of what it's like to be oppressed rightly can't accommodate. Oppression can't have harmless aspects, let alone aspects that are

mutually beneficial. Oppression can't obtain from a single, avoidable act. Worse are the unclear implications. Are victims blameworthy for complicity or aren't they? Are victims entitled to resist or aren't they? Are victims' identities altered by the experience or aren't they?

To achieve consistency, one could amend their instance that oppression has to be analyzed in terms of exploitation by insisting that oppression has to be analyzed in terms of the harmful and ongoing variety of exploitation. This distinction is ad hoc, however. When oppression obtains, it doesn't guarantee that every instance of exploitation that obtains in parallel or subsequently will be the harmful and ongoing type. But say we proceed with the revision anyway. What it means to be a victim of oppression will still be distorted by the instance that victims of oppression are necessarily being taken unfair advantage of in a harmful and ongoing way. That the oppressed are being taken unfair advantage of is a substantive addition with its own implications, the sort of addition that builds a substantive inaccuracy into our understanding of what it is to be, and what it signifies to be, victimized by oppression.⁹³

Even when the experience of being exploited somewhat overlaps with the experience of being oppressed, as when they're both harmful and ongoing, the defining feature of being a victim of exploitation still isn't part of what it means to be a victim of oppression. Understanding the implications of being unfairly taken advantage of won't help us understand the implications of having one's autonomy or overall life prospects

⁹³ If the claim is instead that victims of oppression are sometimes taken unfair advantage of, then that warrants no tampering with models of victimhood at all. I earlier granted that oppression and exploitation can sometimes be coincident, so of course victims of oppression might also be victims of exploitation. But that possibility doesn't change what it means to be a victim of either.

wrongly burdened. And understanding what it means to be a victim of the harmful and ongoing variety of exploitation doesn't contribute anything new to our understanding of what it means to be a victim of oppression, since the experience of being oppressed already includes harmfulness and ongoingness as features.

The thorough independence of these two kinds of victimhood provides additional evidence in favor of the conclusion that oppression doesn't need to be understood even partly in terms of exploitation, and further, it suggests that oppression *shouldn't* be understood in terms of exploitation, either. And that gives us additional reason to prefer an effects-centered account of oppression that doesn't treat external benefit or privilege as a necessary condition for being a victim of oppression.

Over the course of this and the previous chapter, I've demonstrated that the effects-centered model of oppression is better able to do what we need a concept of oppression to do. First, it tells us what is and what isn't a case of oppression. Second, it distinguishes oppression from distinct forms of injustice, singling out the unique wrong of oppressive burdens. Third, and most importantly, it helps us understand what kinds of moral and political actors those confronting oppression can and should be—including victims of oppression.

3. OPPRESSION, RIGHTS, AND LIBERAL FEMINISM⁹⁴

3.1. The Rights of the Oppressed

I've argued that oppression is a social circumstance that systematically and wrongfully burdens a person's autonomy or overall life prospects. In developing this effects-centered account of oppression, my aim has been to demonstrate that analyzing oppression as a particular kind of suffered harm has three explanatory strengths. Doing so allows us to capture the oppression of individuals missed by the relational framework of social group conflict, to distinguish the unique wrong of oppression from distinct forms of injustice, and to more clearly model the agency of the oppressed.

The perhaps unusually atomistic nature of my effects-centered account raises a conceptual question about the effects of oppression, a question that needs to be addressed if we're to fully understand the kind of wrong that oppression is as well as what duties are violated and generated by oppression. Namely, we need to investigate whether the harms of oppression can and should be analyzed in terms of rights violations. Do victims have a right against the harmful effects that constitute oppression? Relatedly, but not equivalently, do victims have claims against acts and actors that contribute to those oppressive effects? These questions are not as straightforward as they might appear. The complicated relationship between oppression and rights presents one of the most significant challenges in understanding the normative situation that victims confront, as

⁹⁴ My treatment of this topic has benefited greatly from conversations with Cheshire Calhoun, Thomas Christiano, Michael McKenna, and David Schmitz.

well as one of the most significant challenges in modeling the agency and obligations of victims and non-victims alike.

Whereas the previous two chapters sought to contrast the effects-centered model of oppression with the group relationship model, this chapter is an internal examination of the effects of oppression, and more specifically, of one attempt to specify the content of what it means to *wrongfully* burden an individual.

So, does oppression violate rights, in either of the two senses invoked above? I'll argue that there isn't a general answer to this question, and that it can only be properly answered on a case-by-case basis. First, there's the striking but real possibility that agents can contribute to the oppression of victims in ways that don't violate the rights of victims, which is to say that victims aren't always entitled that specific others alter the beliefs and behaviors that adversely affect victims. Second, analyzing oppression in terms of rights violations would effectively posit a range of correlative duties not to contribute to oppression that could itself constitute an oppressive burden. We have reason to be cautious about recognizing such sweeping and potentially constraining duties, and since rights can't exist in the absence of correlative duties, we in turn have reason to be cautious about understanding oppression as inherently rights violating. Third, even when the burdens of oppression clearly are rights violating, the rights of the oppressed will often be at least ostensibly in conflict with other rights that are generally worth preserving, requiring sensitive and particular judgments about which rights are stronger, when.

I don't deny that there's an immediate and intuitive appeal to thinking about the victimizing effects of oppression as violations of rights, and I note that this appeal holds regardless of how we understand the function of rights. On the will theory, rights exist to protect the ability of agents to make certain kinds of choices for themselves, and oppression can interfere with that ability. On the interest theory, rights exist to protect a person's well-being, and there can be no doubt that oppression damages well-being. Whatever it is that rights are supposed to protect, oppression harms persons in ways that seem to merit protection. And it seems equally intuitive that agents have a duty not to cause or contribute to oppressive harms. After all, basic human rights exist to ensure that persons are not prevented from living decent lives, and causing or contributing to oppressive harms can prevent persons from living decent lives.

As Henry Shue explains, basic human rights aren't about "great aspirations and exalted ideals, saintly restraint and heroic fortitude and awesome beauties that enrich life"—a theory of basic rights is about the moral minimum, about "the lower limits on tolerable human conduct, individual and institutional. It concerns the least that every person can demand and the least that every person, every government, and every corporation must be made to do."⁹⁵ This description appears to fit oppression quite aptly. Obligations to resist and redress oppressive harms arise because oppression is a wrong that ought not obtain, not because a world without oppression is a utopian ideal for which we ought to strive. And it's at least plausible that enduring oppressive circumstances is the kind of wrong that falls below the lower limits of treatment to which all agents are

⁹⁵ Henry Shue, *Basic Rights* (Princeton University Press, 1996), xi.

entitled, making oppression not only a violation of rights, but a violation of basic human rights.

Before continuing, it would be helpful to say more about what kinds of rights oppression purportedly violates. We can speak either of political rights or of moral rights, and of basic and non-basic varieties of both.⁹⁶ Political rights are post-institutional, meaning both that they are the creation of governments and laws and that they give citizens claims against those same governments and laws. Assuming a broadly liberal framework, oppression can violate political rights when governments or laws cause or contribute to oppression, or when governments or laws fail to enforce or ensure equal political rights. Indeed, recognizing equal political rights against the oppressive power of the state is the origin of liberalism, and many would argue that having political rights to state protection from oppression is the test of liberalism.

As the former claim is uncontroversial, I won't have much to say about it here: unequal or nonexistent political rights can contribute to oppressive burdens, and insofar as these effects result from unequal or nonexistent political rights, the burdens in question would meet the wrongfulness condition of oppression as well. What about cases where governments or laws are not themselves the source of oppression? While it's true that there are some oppressive burdens that governments and laws should interfere with, I'll contend that interference isn't always appropriate, meaning that oppression overlaps imperfectly with the realm of political rights.

⁹⁶ If basic rights concern an individual's minimum reasonable demands on others, non-basic rights are less fundamental and more situational, and normally give way if they come into conflict with basic rights. This priority will be important in what follows.

The question of state enforcement or legal protection complicates the relationship between oppression and rights, and this is made all the more apparent when we consider moral rights. Moral rights are pre-institutional, deriving not from states but from moral principles about how particular people ought to be treated. Human rights are primarily a subset of moral rights, deriving from moral principles about how all humans ought to be treated.⁹⁷ Not all moral rights are human rights, however. When I promise to do a favor for a friend, that promise creates a moral right held only by her and only over me.

The more basic a moral right, the more likely we are to think that legal enforcement of that right is appropriate. We can mean either of two things by calling the legal enforcement of moral rights “appropriate”: we might mean that the law has made a political right out of the moral right, or we might mean that it’s an injustice that the law hasn’t done so. Again, when it comes to oppressive harms, enforcement of the former sort is more or less uncontroversial. But especially in the context of a liberal society, there’s good reason not to empower states to protect against every instance of an oppressive harm. Thus, if the acts that contribute to oppression are to be understood as inherently rights violating, then at least some of those rights must be exclusively moral rights that are not themselves subject to institutional forms of enforcement.

Wariness about institutional enforcement doesn’t fully explain why analyzing oppressive harms in terms of moral rights violations is a complicated prospect. After all, while rights attributions are empty if rights can’t be enforced, not every form of

⁹⁷ Human rights are also a subset of political rights, insofar as commitments to their protection have been ratified under international treaties. Some claim that human rights are exclusively political rights, but addressing this substantive form of moral skepticism falls outside the scope of this chapter.

enforcement needs to be institutional. When we subject agents to criticism or blame for their transgressions, we're enforcing moral rights. The same is true when agents are indirectly pressured or socially coerced into recognizing moral rights or redressing their violation. So analyzing oppression in terms of rights violations involves claiming that the harmful effects that constitute oppression always violate either a political or a moral right, that victims are entitled to institutional enforcement of all such political rights, and that victims are entitled to either institutional or interpersonal enforcement of all such moral rights. As I'll argue, even this more carefully specified claim about enforcement faces questions of appropriateness, especially if we take seriously the feminist insight about the diffuse and cumulative nature of many oppressive burdens, which oftentimes result from the relatively benign actions and inactions of people simply going about their lives.

In the interest of space, my investigation of rights violations will be limited to women's oppression, although the claims I'll make are meant to apply across groups and types of oppression. I also won't endeavor to prove that women actually are oppressed in patriarchal societies, or that women deserve lives free of the wrongful burdens they endure. I'll take both of these points as given. The question will instead be whether the oppression of women is inherently rights violating, or at the very least, whether the oppression of women is necessarily the result of a series of rights violations. The answer to that question will reveal a great deal about the kind of normative situation that victims and their oppressors inhabit.

As might have already become apparent in the preceding discussion, my position is a form of liberal feminism.⁹⁸ At its most general, liberal feminism is the idea that justice requires the minimization of barriers to individual choice and action, and that women as a social group are not yet as free as men in that respect. Liberal feminists maintain that full protection of the individual has not always been extended to women, but that this failure highlights rather than undercuts the importance of the liberal project and its substantive commitments.

On such views, ending women's oppression is not only an aim of liberalism fully realized, but is tempered by liberalism as well: individuals' life plans and conceptions of the good must be respected. As Ann E. Cudd puts the point, "it is against the spirit of liberalism to posit a vision of liberation and try to mold the citizens to want to bring it about."⁹⁹ This constraint on liberation has led many feminists to be skeptical of liberal feminism. According to Amy R. Baehr, "that liberalism and feminism are incompatible has been arguably the *dominant* view among feminist scholars over the past thirty years."¹⁰⁰ Insofar as I hold a form of liberal feminism, this chapter will in part be concerned with defending the sufficiency of a liberal response to the oppression of women.

More specifically, I contend that liberalism grounds the kinds of rights that protect all individuals—including women—from *some* of the norms and practices that

⁹⁸ I thank Cheshire Calhoun for pushing me to make these commitments explicit.

⁹⁹ Ann E. Cudd, "The Paradox of Liberal Feminism: Preference, Rationality, and Oppression," in *Varieties of Feminist Liberalism*, ed. Amy R Baehr (Maryland: Rowman & Littlefield, 2004), 57.

¹⁰⁰ Amy R. Baehr, "Introduction," in *Varieties of Feminist Liberalism*, ed. Amy R. Baehr (Maryland: Rowman & Littlefield, 2004), 1. Original italics.

can contribute to oppressive burdens. In cases where victims' rights against contributing acts and actors are not recognized within the tenants of liberalism, this is because the enforcement of such rights would violate the liberal protection of contributors. And for the same reason, any comprehensive right not to be oppressed would have to be merely aspirational. A consequence of my view is that victims' rights partially protect against oppression not because victims have rights against oppression and oppressors specifically, but because there's an overlap between the kinds of treatment that liberalism simply cannot tolerate and the kinds of treatment that systematically and wrongfully burden autonomy or overall life prospects.

To give an example, domestic violence can contribute to the oppression of women, and women have a right that their partners not physically assault or abuse them. Women don't have this right *because* domestic violence can contribute to their oppression, however. Women have this right because domestic violence is a harm, and the kind of harm that's incompatible with the treatment of others as free and equal persons. If the oppression of women were to end tomorrow, the liberal right against domestic violence would remain. The fact that domestic violence contributes to oppression perhaps deepens the wrong of domestic violence, but it isn't the reason why domestic violence is rights violating. Nor is the overlap necessary to understand why this particular contribution to oppression is wrongful.

In §3.2, I'll discuss Susan Okin's arguments in favor of reconceiving the oppressive wrongs done to women as violations of human rights. I'll also consider the role of non-interference rights in shielding oppressive burdens from political and social

interventions. In §3.3 I'll modify Okin's rights-focused understanding of oppressive burdens to better capture the diverse range of harms that women endure. Using the Hohfeldian framework, I'll then examine what analyzing oppression as inherently rights violating would actually entail. I'll demonstrate that the resulting system of entitlements and rules would invariably constitute an oppressive burden, thus violating liberal protections. I'll close in §3.4 with the suggestion that Hohfeldian privileges and powers can help us think about how oppressive burdens obtain in liberal societies, while noting the way in which this importantly shifts the conversation from what societies should do about oppression to what particular individuals should do about oppression. It's in this shift that the sufficiency of a liberal feminist response to oppression is ultimately found.

3.2. The Case for Rights

There are three strategies for arguing that oppressive circumstances should be analyzed in terms of rights violations. One approach creates or assumes for all persons a comprehensive right not to be oppressed, a right that's straightforwardly violated by women's oppression. The second approach involves demonstrating that every contribution to women's oppression in fact violates specific rights to which all persons are entitled. The third approach is pragmatic, advocating the elevation of oppressive harms to the level of rights violations in order to bring needed, urgent attention to the circumstances of women. I'll argue against the plausibility of the first approach. And while I believe the second and the third approaches both explain why we can sometimes

understand oppressive harms as rights violating, I'll demonstrate that doing so isn't appropriate for every contribution to an oppressive burden.

In liberal societies that recognize formal equality of the sexes before the law, a distinction is commonly drawn between the public and private spheres of social life.¹⁰¹ The existence of a private sphere affords individuals a right against coercive political and social interference, but since the oppressive burdens of patriarchy extend into the private and productive lives of women, this liberal protection of the individual can thwart some coercive efforts to correct oppressive norms and practices. Attempting to understand oppressive burdens as inherently rights violating is complicated by the fact that oppressive burdens are sometimes the undesirable result of other, genuinely desirable rights.

It isn't immediately clear how we should resolve this complication. It does strike me as an obvious mistake to conclude that rights of non-interference *justify* oppressive burdens, in the sense that we should simply tolerate oppression as a cost worth paying. Such a position assumes that the rights of individual men or privileged social groups always trump the rights of women, an assumption that cannot be supported within a broadly liberal framework. As we'll see shortly, some feminist theorists argue that this is precisely why we need to analyze oppressive burdens in terms of rights-violating harms: to counteract the automatic trump of oppression-facilitating rights, and to counteract the assumption that nothing can be done about certain oppressive burdens due to the strength and relative importance of non-interference rights. But at the same time, failing to take

¹⁰¹ I'll have more to say about the public/private distinction below.

non-interference rights seriously can just as easily facilitate oppression—indeed, the very function of such rights is to prevent oppression.

Susan Okin argues that oppressive harms can and should be understood not only as rights violating, but as violations of basic human rights. She cites the influence of privilege-reinforcing self-determination rights and non-interference rights as “one important reason why it is so significant for women's rights to be recognized as human rights. Many people fail to perceive what or how big the problems are, and many serious inequalities between the sexes are still regarded by many people as invisible, insignificant, natural, or culturally appropriate.”¹⁰² For Okin, the value of invoking human rights appears to be twofold. First, doing so lends criticisms of oppressive burdens the moral force inherent in claiming that human rights violations are occurring, moral force that the oppression of women arguably should have on its own but for whatever reason doesn't. Second, recognizing the wrongs done to women as human rights violations undercuts the assumption that privilege-reinforcing norms and practices are properly protected from political and social interference.

The case for treating oppressive harms as rights violating is perhaps clearest in non-liberal societies. Discussing the double standard in how wrongs against men and women are evaluated, Okin asks whether the world would politely defer to considerations of cultural self-determination if confronted with the male equivalent of female genital mutilation. She imagines a custom in which “a man, in order to become marriageable and therefore able to survive economically, were allowed to ejaculate some sperm to be

¹⁰² Susan Moller Okin, “Feminism, Women's Human Rights, and Cultural Differences,” *Hypatia*, 13, no. 2 (1998): 37.

saved so that he could still reproduce, and then were pinned down by four or five people in order for his penis to be cut off with a knife.”¹⁰³ It’s cynical yet altogether reasonable to expect that a society in which men were so thoroughly mutilated for cultural or religious reasons would be condemned on human rights grounds. The fact that the equivalent mutilation of women is routinely criticized using the seemingly less forceful language of patriarchy and women’s oppression actually makes it easier for this violation of women’s basic rights to continue. If the tendency is to err on the side of rights, failing to recognize systematic wrongs as rights violations is pernicious.

Since we’d be unlikely to consider an appeal to cultural self-determination an adequate justification of male genital mutilation, Okin’s contention is that the hesitation we show about interfering with non-liberal societies where female genital mutilation is practiced reveals *not* that cultural self-determination is a particularly strong group right, but rather that we aren’t taking the rights of women seriously. Yet even some feminists are deeply troubled by the moral absolutism on display in such wide-ranging calls for cultural and religious reform, especially when those calls cross borders.¹⁰⁴ Discussing the difference between feminist activists and feminist academics over the last few decades, Okin notes “it was sometimes claimed that, whatever the quality of the evidence presented or the strength of the argument made, the suggestion by any white, middle-class feminist that women and girls in cultures other than our own are disadvantaged or

¹⁰³ Ibid., 38.

¹⁰⁴ For an interesting and I think convincing defense of universalism and essentialism, see: Martha Nussbaum, “Human Capabilities, Female Human Beings,” in *Women, Culture, and Development: A Study of Human Capabilities*, ed. Martha Nussbaum and Jonathan Glover (Oxford University Press, 1995), 61-104.

oppressed by elements of their own cultures amounted to offensive cultural imperialism.”¹⁰⁵ I’ll largely leave such issues aside, as I’m not here concerned with the question of whether rights violations should be enforced at the expense of state sovereignty and cultural self-determination. My focus is on the right of non-interference within broadly liberal societies.

It’s because of such reactions to the stunning harms perpetrated against women that Okin believes marshaling adequate opposition to these harms requires that one “draws attention to wrongs done to women as violations of human rights.”¹⁰⁶ An important implication of her view is that even if less severe oppressive harms don’t actually violate basic human rights, we still might have pragmatic reasons to prefer rights-focused accounts of oppressive harms. I’ll have more to say about this possibility below.

Marshaling adequate attention and opposition is closely related to an additional benefit Okin identifies in analyzing oppressive burdens as inherently rights violating. She observes that “Many violations of women’s basic human rights both occur within families and are justified by reference to culture, religion, or tradition. So recognizing women’s rights as human rights means looking at the institutions of family, religion, and culture or tradition in a new light.”¹⁰⁷ In other words, considering the rights of women not only encourages resistance against oppressive harms, but it enables the reexamination and reform of norms and practices that facilitate oppression. For Okin this is a necessary

¹⁰⁵ Okin, “Women’s Human Rights, and Cultural Differences,” 43.

¹⁰⁶ *Ibid.*, 38.

¹⁰⁷ *Ibid.*, 39. Original italics.

step in combating oppressive burdens, even in liberal societies where women have at least formal protection from the kind of cultural self-determination that, in non-liberal societies, can directly result in oppression.

It might seem as if formal equality and individual rights of non-interference would be sufficient to protect women from the oppressive effects of patriarchal traditions, but as I previewed above, individual rights of non-interference can actually preserve oppressive norms and practices that exist in the private sphere of social life. The public/private distinction in effect shields some oppression-contributing actors and acts from anything more than resigned criticism in liberal societies. When the oppression of women occurs primarily within the family or other interpersonal relationships, or as a result of cultural or religious traditions operating within the private and productive spheres of social life, a liberal protection against coercive political interference and the enforcement of prevailing moral attitudes has the perverse consequence of facilitating the systematic wrongs done to women. As Martha Nussbaum relates, “Liberal thinkers tended to segment the private from the public sphere, considering the public sphere to be the sphere of individual rights and contractual arrangements, the family to be a private sphere of love and comfort into which the state should not meddle. This tendency grew, no doubt, out of a legitimate concern for the protection of choice—but too few questions were asked about whose choices were thereby protected.”¹⁰⁸

Understanding oppressive burdens as violations of human rights, as Okin recommends, transforms the personal into the political. It does so both by recognizing

¹⁰⁸ Martha C. Nussbaum, *Sex and Social Justice* (New York: Oxford University Press, 1999), 63f.

that the private privilege of men as well as the ‘natural’ relegation of women to the private sphere are inherently political phenomena, and by opening the door to politically and socially coercive solutions to the burdens women endure in their private lives. As Carole Pateman explains, “the ‘separate’ liberal worlds of private and public life are actually interrelated, connected by a patriarchal structure.”¹⁰⁹ She continues: “Feminists have emphasised how personal circumstances are structured by public factors, by laws about rape and abortion, by the status of the ‘wife’, by policies on childcare and the allocation of welfare benefits and the sexual division of labour in the home and workplace. Personal problems can thus be solved only through political means and political action.”¹¹⁰ Adopting a rights-centered approach would thus make all contributions to oppression a public matter instead of, in Charlotte Bunch’s words, some of those harms being “dismissed as [a] private family, cultural or religious” matter.¹¹¹

Viewing oppressive burdens as rights violations reconceptualizes the liberal framework of private and public spheres, and does so either by shifting certain norms and practices from the protected private sphere or by collapsing the public/private distinction altogether. Pateman notes that “feminists and liberals disagree about where and why the dividing line is to be drawn between the two spheres, or, according to certain contemporary feminist arguments, whether it should be drawn at all.”¹¹² For example, in

¹⁰⁹ Carole Pateman, “Feminist Critiques of the Public/Private Dichotomy,” in *Public and Private in Social Life*, ed. Stanley Benn and Gerald Gaus (St. Martin’s Press, 1983), 296.

¹¹⁰ *Ibid.*, 295.

¹¹¹ Charlotte Bunch, “Strengthening Human Rights of Women,” in *World Conference on Human Rights, Vienna, June 1993: The Contributions of NGOs: Reports and Documents*, ed. Manfred Nowak (Manzsche Verlag Universitätsbuchhandlung, 1994): 33. Quoted in Okin, 39.

¹¹² Pateman, “Feminist Critiques of the Public/Private Dichotomy,” 281.

an especially biting criticism of the public/private distinction, Catharine MacKinnon dismisses the private sphere as “what men call the damage they want to be permitted to do as far as their arms extend to whomever they do not want permitted to fight back.”¹¹³ Whether the scope of the private sphere is narrowed or eliminated entirely, analyzing women’s oppression as inherently rights violating would justify changing private practices, in precisely the way that promoting human rights usually justifies changing political practices.

In sum, the suggestion is that analyzing oppressive burdens (or the specific harms that contribute to oppressive burdens) in terms of human rights violations would allow us to correctly grasp the moral force that should be inherent in criticisms of women’s oppression, a force that also should be sufficient to undermine the case for preserving longstanding, privilege-reinforcing traditions. As a contingent fact, what’s missing from criticisms of women’s oppression that don’t invoke the language of human rights is the trump element: claims weighty enough to ground political and social interference in the public as well as private spheres where women’s oppression obtains.

3.3. Oppressive Harms as Rights Violations

In order to evaluate Okin’s proposal, we need to look at the particular rights that are (or should be treated as being) in conflict with the liberal right of individual non-interference. In other words, does the proposal depend on a single comprehensive right

¹¹³ Catharine A. MacKinnon, *Toward a Feminist Theory of the State* (Harvard University Press, 1989), 191.

not to be oppressed, by which I mean a right against oppressive states of affairs? And if the idea is instead that specific oppressive harms violate specific rights, then what are those rights? In what ways do the harms that contribute to women's oppression run contrary to the kinds of treatment that women are entitled to receive, and what kinds of claims do women have against which agents as a result?

One obstacle that's already apparent from earlier investigations into the nature of oppression is that oppression isn't a unified phenomenon. Not only do the type and severity of harms differ in a general way between liberal and non-liberal societies, but the oppressive experiences of women within a given society will differ based on their race, class, orientation, employment, and other factors. So while the most severe wrongs done to women in non-liberal societies are obviously rights violating, arguing that oppressive burdens should be understood as inherently rights violating requires an account of rights that can capture the experiences of women *across* social circumstances. We not only have to be specific about what rights are being violated and which agents are failing to discharge which correlative duties, but we need to identify a range of rights that are violated by an equally wide and diverse range of contributions to oppression.

I think that achieving this fit, and providing the most charitable case possible for analyzing oppressive burdens as rights violating, requires both a structural and a substantive revision to Okin's argument.

First, the structural point. Oppressive circumstances, including those confronting women, often obtain as the result of many norms and practices that, when experienced altogether and over time, have the effect of burdening an individual's autonomy or

overall life prospects. Oppressive burdens usually do not arise from a single wrong, but are instead cumulative wrongs resulting from the tandem actions of countless actors, any number of which might not have been wrongful had they occurred in isolation. This suggests that we shouldn't regard oppression as a violation of a comprehensive right not to be oppressed, since it isn't clear what a right not to be oppressed would amount to, or how it is that a given person violates that right by contributing to oppression in tandem with others.

While it can be appropriate to posit rights against systems or institutions that are arranged in a way that systematically burdens particular individuals, the typically diffuse nature of oppression within liberal societies implies that oppressive burdens can manifest without systems or institutions being so arranged. If that is indeed the case, then a comprehensive right purporting to encompass an individual's entitlement not to be oppressed would have to include oppressive burdens of a diffuse and non-institutional nature. But what does it mean to have a right against a decentralized phenomenon? Is such a right coherent? What kinds of duties are assumed by a right that decentralized phenomena be otherwise than they are? Would the right block all of the actions that might conceivably contribute to oppression if certain other actions occur in tandem? That list could end up including nearly every social act. Would the list of blocked actions fluctuate based on what other actors were doing at the same time? How could actors be expected to comply with the correlative duty, absent perfect information about the other actions that are occurring and the cumulative effect those actions will have when combined with their own? Rather than treating oppression as a violation of a

comprehensive right, I suggest that we can at best understand oppressive burdens as a disjunctive set of contribution-tracking rights violations.

Not only is this a more realistic depiction of how oppressive burdens can and do violate the rights of women, but an account that mirrors the diffuse structure of oppressive circumstances also allows us to more cleanly track the rights that contributions to oppression violate and the correlative duties that specific others fail to comply with when they contribute to oppression. This is an essential feature of a rights-focused account of oppression. As Onora O’Neill stresses, “when anyone is to have a right there must be identifiable others (either all others or specified others) with accurately corresponding obligations.”¹¹⁴ If we analyze women’s oppression as a series of rights-violating contributions that occur over time, we can identify so-and-so specific individuals neglecting such-and-such specific duties, with each duty failure contributing to the oppressive burdens confronting women. We’d still need to argue that those individuals are duty-holders and that their conduct is genuinely rights violating, but whatever wrong there is would be traceable, and that gives us more reason to be optimistic about the success of the analysis than we’d have if we assumed a comprehensive right against oppressive burdens.

We also need to make a substantive modification to Okin’s argument if we’re going to understand oppression as inherently rights violating. While we’ve been discussing basic rights thus far, I think the approach has to focus on rights simpliciter. If we follow Shue in defining basic rights as the lower limits on tolerable human conduct,

¹¹⁴ Onora O’Neill, “The Dark Side of Human Rights,” in *Contemporary Debates in Political Philosophy*, ed. Thomas Christiano and John Christman (Wiley-Blackwell, 2009), 428.

then it's unlikely that many of the acts that contribute to oppression will be captured by the present approach, as many of the acts don't themselves fall below the lower limits on tolerable human conduct. Basic rights protect individuals against the most extreme forms of mistreatment, and while oppressive harms like female genital mutilation, honor killings, marital rape, and so forth are without a doubt extreme forms of mistreatment, that same isn't true of sexist jokes in the workplace or of objectifying gazes in public settings. The overall effect of the various acts that contribute to oppression may well be a life that's less than minimally decent—although whether women in liberal societies experience such a life is controversial even within the feminist literature—but certainly the particular acts themselves don't always make a life less than minimally decent. That attribution can only be made on a case-by-case basis. So at least some of the time, contributions to oppression will have to be understood as violations of non-basic rather than basic rights.

Can we sustain the idea that all of the ways in which individuals contribute to women's oppression both violate the rights of women and result from correlative failures on the part of specific duty-holders? The best way of answering this question is by examining in more detail the nature of the rights that purport to be caught up in oppressive burdens. I'll hereafter follow the Hohfeldian understanding of rights as a range of specific advantages that correspond either with others having certain disadvantages or with oneself lacking certain disadvantages. More specifically, the scheme defines the relationships between claim-rights and correlative duties, privileges and the absence of correlative duties, powers and correlative liabilities, and immunities

and correlative disabilities. As Hohfeld explains, “A right is one’s affirmative claim against another, and a privilege is one’s freedom from the right or claim of another. Similarly, a power is one’s affirmative ‘control’ over a given legal relation as against another; whereas an immunity is one’s freedom from the legal power or ‘control’ of another as regards some legal relations.”¹¹⁵ So how do rights-violating contributions to oppression sort into these four categories?

Given that victims of oppression confront wrongful harms perpetrated by others, the obvious place to begin is with Hohfeldian claim-rights and immunities. But as I’ve already begun to illustrate, it’s not always going to be the case that acts contributing to oppressive burdens violate a victim’s entitlement to be (or not be) treated in particular ways or to experience (or not) particular effects. When I made the substantive point above that we should shift from an analysis of basic rights to an analysis of rights simpliciter, it was partly due to the implausibility of the notion that the various actions that contribute to oppression are always or even often violations of basic rights. I mentioned as examples the telling of sexist jokes in the workplace and the tendency of the male gaze to objectify and humiliate women. But are all the various actions that contribute to oppression always violations of at least non-basic claim-rights and immunities? I think not.

If a person (such as a woman in a patriarchal society) has a claim on someone else to do or avoid some action, that implies that someone else has a duty to do or avoid that action. According to Leif Wenar, rights that involve claims can have one of three

¹¹⁵ Wesley Newcomb Hohfeld, *Fundamental Legal Conceptions* (Yale University Press, 1919), 60.

different functions: “A claim-right can entitle its bearer to protection against harm or paternalism, or to provision in case of need, or to specific performance of some agreed-upon, compensatory, or legally or conventionally specified action.”¹¹⁶ Meanwhile, if a person has an immunity, that means no one else properly has the ability to change her normative situation, or to create or change existing duties to which she’s liable for performance. As Wenar explains, “Rights that are immunities, like many rights that are claims, entitle their holders to protection against harm or paternalism.”¹¹⁷

It seems obvious to say that if women had enforceable claims and immunities against all actions that contribute to women’s oppression, and the spirit and letter of such claims were invariably honored, then women’s oppression would not obtain. And eliminating the systematic and wrongful burdens that strike women is surely a moral imperative. But it isn’t plausible to suggest that women are actually *entitled* to protection against every action that contributes to their oppression, nor is it likely that everyone who contributes to the oppression of women fails in the performance of a duty to which women are actually entitled. Note that I’m not here talking just about the legal enforcement of political entitlements, but also about the nature of moral entitlements.

Claim-rights are not preferences about treatment, nor are they simply about the kinds of treatment that people do or don’t deserve. It doesn’t take much argument at all to show that victims *deserve* to be free of oppressive burdens, but considerations of desert don’t generate claim-rights against other agents. It might not be controversial to assert,

¹¹⁶ Leif Wenar, “The Nature of Rights,” *Philosophy & Public Affairs*, 33, no. 3 (2005): 229. Original italics.

¹¹⁷ *Ibid.*, 232. Original italics.

for instance, that decent people deserve to be treated politely, but it would be very controversial to assert that people who are rude or unnecessarily curt thereby violate moral (let alone political!) rights, or that we have enforceable claims on rude people that they act politely. To be entitled to particular treatment means that a set of legal or moral rules exists requiring that treatment, where failure to comply with the set of rules in turn demands compensation and perhaps punishment, or at the very least appropriately exposes transgressors to the social practice of blame or to socially coercive attempts to modify their behavior. If we want to conclude that all acts that contribute to oppressive burdens violate claim-rights, we need to ponder the system of legal and moral rules that would have to arise to ground such claims, and whether that system is compatible with liberal commitments to respect others' life plans and conceptions of the good.

To be clear, I'm not denying that people who contribute to oppression morally ought to do otherwise. What I'm denying is that victims are always entitled that their oppressors do otherwise. Note that we can talk about the moral obligations of men with respect to the treatment of women without invoking moral rights at all: while rights always imply the existence of duties, duties needn't involve counterpart rights.¹¹⁸ It might be morally appropriate of men to, for example, refrain from ogling women's bodies in public in such a way that humiliates and objectifies those women, but that's not at all the same thing as arguing that there should be an enforceable system of legal or moral rules requiring that men avert their eyes, and that men who fail to do so should be subjected to either institutional punishment or moral reproach. Reproach can be a

¹¹⁸ O'Neill, "The Dark Side of Human Rights," 428.

powerful tool in changing beliefs and behaviors,¹¹⁹ but if we interpret the commitments of liberalism as constraints, the wrongness of beliefs and behaviors isn't sufficient to justify reproach when it specifically aims at changing those beliefs and behaviors.

In order to analyze contributions to oppression in terms of claims that warrant protection, it's not enough to observe that men are acting in ways that are morally impermissible. Not every wrong is a rights-violating wrong. Women are of course entitled to certain treatment, with equal pay for equal work and an absence of domestic violence being clear examples, but it's implausible to suggest that women are entitled in every interaction to treatment that doesn't contribute to diffuse burdens—even when those burdens are, by stipulation, wrongful.¹²⁰ Also, claim-rights entail the existence not only of first-order duties held by specific others, but second-order enforcement duties as well. As O'Neill rhetorically asks, “What is the point of having a right? More specifically, what is the point of having an abstract right, unless you also have a way of securing whatever it is that you have a right to?”¹²¹

So if we're going to analyze oppression in terms of claim-rights against actions that contribute to burdens confronting women, then not only must women have at least a non-basic moral right controlling the durations and types of sexualized glances that men can cast their way in public, but if men fail to uphold their correlative duty to gaze in a constrained fashion, then women must also be entitled to third-party enforcement of either an institutional or an interpersonal variety. What degree of intervention and legal

¹¹⁹ For example, see: Cheshire Calhoun, “Responsibility and Reproach,” *Ethics* 99, no. 2 (1989): 389-406.

¹²⁰ This point will be revisited at the end of the chapter.

¹²¹ O'Neill, “The Dark Side of Human Rights,” 425.

or social sanctions should an oppression-preventing system of rules authorize? And what are the odds that such a system of rules could be implemented without resulting in oppressive burdens, defined as the violation of reasonable liberal protections? Even if men are morally in the wrong for the actions they do that contribute to the oppression of women—and I see no argument for denying that men are morally in the wrong—I don't think it's unreasonable to worry about the consequences of bringing coercive political or even social action to bear on some of the private sphere actions that contribute to oppression. Coercive power has the potential to be as much a source of oppression as a solution to it, and this is as true of public opinion as it is of public power.

Unless we're understanding claims and immunities as being what O'Neill calls "merely aspirational", in which case "where human rights are unmet there is no breach of obligation, nobody at fault, nobody who can be held to account, nobody to blame and nobody who owes redress,"¹²² then analyzing the oppression of women in terms of claims or related immunities is only tenable when we can point to actual, enforceable rights that men violate by contributing to oppression. Given the moral force of claim-rights, we'd have to tolerate a level of interpersonal interference that realistically can't be sustained or even attempted without oppressing those interfered with. And if the end of eliminating oppression is what justifies that interference, the justification is self-defeating.

As O'Neill maintains in a passage about human rights (that could just have easily been about non-basic rights), not every wrong can and should be explained or fixed by attributing a right to the wronged:

¹²² Ibid., 427.

[U]nlike some earlier dominant ideologies, the human rights movement has acquired the beguiling feature of being an ideology not only of and for the ruling classes, but an ideology for—and increasingly of—the oppressed. This seems to me a good reason for thinking particularly carefully and critically about the internal structure of human rights claims, for trying to be less gestural about their basis and their limits, and for being more explicit about their costs as well as their benefits.¹²³

Without a doubt, men in patriarchal societies contribute to the oppression of women, but whatever the theoretical and pragmatic benefits of treating all of those actions as inherently rights violating, understanding the harms of oppressive contributions in such a way is a distortion of the normative situation that the oppressed and their oppressors inhabit, as well as a distortion of the agency and obligations of both.

Appealing to Cudd's distinction between formal and informal situations can sharpen the argument I'm making. She observes that there are a variety of ways in which the preferences of individuals, even when enacted through their choices in entirely informal situations, can lead to oppression: "Their preferences might illiberally meddle in each other's private affairs through their expression of opinion or their choices of friends. They might be adapted or habituated to oppression or privilege and so seek to reconstruct their oppressive or privileged situations through their choices of careers, spouses, or leisure activities. Their informal social institutions may be so designed that the oppressed are given incentives to act in ways that maintain their oppression."¹²⁴ An important part of the picture is Cudd's further distinction between direct and indirect forces of oppression. According to Cudd, "A direct force externally affects the choices of

¹²³ Ibid., 435.

¹²⁴ Cudd, "The Paradox of Liberal Feminism," 53f.

individuals, while indirect forces shape the background social beliefs and desires with which we perceive and behave toward others.”¹²⁵ She continues:

Since the indirect forces tend to be private matters of conscience (i.e., deep-seated, perhaps even unconscious, beliefs and desires), a liberal theory must take care in how they are to be socially opposed. I would argue that in formal situations the preferences that come out of or reinforce oppression could be restricted, in a manner similar to the way that I dealt with illiberal preferences, namely by opposing them with sanctions and socially imposed disincentives. But in informal situations I maintain that it is better to oppose them with informal and indirect, not formal and direct, force.¹²⁶

It is for this reason that Cudd expresses concerns about attempts to mold individuals for the sake of achieving women’s liberation, and advocates instead forms of expression that are compatible with liberal protections.¹²⁷

Another problem with understanding contributions to oppression as violations of claim-rights and immunities is that women in liberal societies are often pressured into alienating their claim-rights and especially their immunities against men, or are often unwilling or uninterested in exercising them due to perceived or actual social costs. If some women accept oppressive norms and practices, either because of adaptive preferences or because it’s in their rational self-interest to conform given the alternatives, then analyzing contributions to oppressive burdens as rights violations may be less helpful than alternative methods of specifying the content of “wrongful” burdens.

Barring conditions of duress, when women don’t hold men to their correlative duties, in Hohfeldian terms their rights aren’t being violated—their rights are being waived, including their second-order enforcement rights. This has implications for how

¹²⁵ Ibid., 55.

¹²⁶ Ibid., 55.

¹²⁷ Ibid., 57.

the agency and obligations of women would have to be modeled in a rights-focused account of oppressive burdens. One unpalatable implication would seem to be that women are somewhat responsible for their own oppression when, for one reason or another, they waive the rights that exist to protect them from oppression, and that the wrongdoing of men is in turn excused when the relevant rights are so waived. Claim-rights do more than establish protections: they establish self-regarding responsibilities. Since the factors causing women to waive their rights are themselves typically the result of oppressive burdens, this analysis mislocates responsibility and incorrectly excuses rights violations.

To be clear, I don't mean to suggest with any of the above arguments that contributions to oppressive burdens can't be analyzed in terms of claims and immunities. These sorts of violations do occur, even in liberal societies. For instance, rape (marital or otherwise) obviously violates claim-rights that persons have against one another, and most feminist authors contend that rape, along with the perpetual fear or threat of rape, is part of an oppressive culture for which all men are collectively responsible.¹²⁸ I can see no reason to deny that rape and the threat of rape are examples of rights-violating contributions to oppressive burdens. My point is that not all contributions are like that, and treating them as if they are would distort our understanding of the unique wrong of oppressive circumstances, as well as run the risk of ultimately trading one form of oppressive constraint for another. This is why the relationship between oppression and

¹²⁸ For example, see: Larry May and Robert Strikwerda, "Men in Groups: Collective Responsibility for Rape," in *Moral Issues in Global Perspective*, ed. Christine Koggel (Broadview Press, 1999), 721-732.

rights needs to be analyzed on a case-by-case basis, and why oppression cannot be understood as inherently rights violating.

3.4. Privileges, Powers, and the Liberal Solution

While claim-rights and immunities were the obvious Hohfeldian categories for explicating contributions to oppressive burdens, I think that analyzing contributions in terms of privileges and powers can prove surprisingly useful, in a way that's ultimately compatible with a liberal feminist framework.

Privileges are exemptions, and can be thought of as liberties. Saying that a person has a liberty-right to do or avoid some action means that she doesn't have a duty not to do or avoid that action. It's important to observe the ways in which women's oppression can narrowly restrict the range of privileges and liberties that women enjoy, attributing moral and customary duties—at times even legal duties—to women from which men, on the other hand, are exempt. Put simply, oppressive norms and practices place wrongful demands on women.

In domestic settings, husbands can hold claim-rights against their wives that are not mirrored or balanced by the claim-rights wives hold against their husbands. Really, any example of a gender-tracking double standard will do. The fact that male assertiveness and ambition in the workplace is typically regarded differently than female assertiveness and ambition implies that men are exempt from behavioral norms to which women are subject. And importantly, male privilege also contributes to (and partially

establishes) women's oppression: men are often seen as having a right to behave in ways that harm women, in the sense that men have no duty not to harm women in these ways.

We can also use the language of privilege to describe the ways in which women lack discretion over their lives, such as when they violate the 'property rights' of their fathers by having premarital sex, when they are forced to accept marriage proposals or arranged marriages, when they are categorically obligated to submit to the sexual advances of their husbands (i.e. marital rape), when they can be subjected to the male gaze and the sexualizing comments and advances of potential suitors, and so forth. If a woman truly had sexual discretion, she could say yes or no to every sexual or sexualized interaction or advance on her own terms, but that's a degree of discretion that patriarchal societies either fail to recognize, fail to adequately protect when they do recognize it, or actively deny women through the enforcement of oppressive norms and practices. And there are many, many other examples. In short, women often have duties that they shouldn't have and lack liberties that they should have, and this normative situation can result in wrongfully burdened autonomy or life prospects. While invoking claim-rights can capture some of these missing forms of discretion, focusing on appropriate privilege-rights (and as I'll demonstrate momentarily, inappropriate power-rights) offers a more general explanation of the entire range of contributions to women's oppression in liberal societies.

It's useful to consider the way in which contributions to oppressive burdens can be analyzed in terms of inappropriate male powers. According to Wenar, "To have a power is to have the ability within a set of rules to alter the normative situation of oneself

or another. Specifically, to have a power is to have the ability within a set of rules to create, waive, or annul some lower-order incident(s).¹²⁹ In other words, powers are advantages that create liabilities in others. Another way in which oppressive burdens commonly arise is that men are afforded (or afford themselves) a right to impose duties on women.

In non-liberal societies the exercise of these powers can be politically coercive, the result of overt claims of discretionary authority by men or groups, but it's critical to note that the imposition of duties on women needn't be politically coercive or even deliberate on the part of men in order to count as an exercise of inappropriate power. Sometimes men act as if they have the authority to impose duties on women simply because their habit of doing so has never been challenged. Male authority, in other words, can take the form of sexist expectations about women. Passive male expectations about female behavior, appearance, and so on create real (albeit inappropriate) obligations for women, as evidenced by the social costs involved in, for example, failing to realize or properly embody the feminine ideal. The absence of legally recognized rights over women doesn't bear on whether men have *authority* over women. In practice, such authority is part of the culture, even in liberal societies.

The insight here is that male entitlement and expectations are a Hohfeldian power that inappropriately imposes duties, either felt or actual, on women. Revisiting the earlier concern about sexual discretion, we can say that women lack sexual discretion to varying degrees around the world, in part because male entitlement and expectations impose

¹²⁹ Wenar, "The Nature of Rights," 231.

duties on women, and in part because male entitlement and expectations compel women to treat themselves as duty-bearers in ways that ultimately benefit men. Women sometimes restrict their own privileges and liberties in an attempt to satisfy, pacify, or accommodate men and their expectations of women, so even self-restricting behaviors on the part of women can be analyzed in terms of passive male authority. While this is perhaps a bit of a departure from the traditional depiction of Hohfeldian powers, this understanding maps onto the psychological burdens of oppression, including the pressure to internalize oppressive attitudes, expectations, and norms.

Cultural norms favoring extremely restrictive female dress, for instance, are sometimes grounded in a supposed self-regarding duty not to provoke men into committing acts of sexual assault, as well as in the male expectation that women conform to a particular ideal of feminine modesty. On the other hand, cultural norms favoring suggestive or even revealing female dress can reflect a male right to appreciate the female form at will. In both cases, women lack (or deprive themselves of) discretion over their attire because the expectations of men are either directly or indirectly authoritative. Sandra Bartky provides a particularly vivid description of the ways in which male expectations create a host of inappropriate duties in women:

I must cream my body with a thousand creams, each designed to act against a different deficiency, oil it, pumice it, powder it, shave it, pluck it, depilate it, deodorize it, ooze it into just the right foundation, reduce it overall through spartan dieting or else pump it up with silicon. I must try to resculpture it on the ideal through dozens of punishing exercises. If home measures fail, I must take it to the figure salon, or inevitably, for those who can afford it, the plastic surgeon. There is no 'dead time' in my day during which I do not stand under the imperative to improve myself: While waiting for the bus, I am to suck the muscles of my abdomen in and up to lend them 'tone'; while talking on the telephone I am bidden to describe circles in the air with my feet to slim down my ankles. All of

these things must be done prior to the application of make-up, an art which aims, once again, to hide a myriad of deficiencies.¹³⁰

Because the common (if passive) male expectation that females be beautiful at all times is accepted, or at the very least excused as natural and inevitable, men have a de facto power over women, a power that contributes to the oppressive burdens that women endure.

Male entitlement, understood as a Hohfeldian power, helps to explain how women's oppression obtains. I consider it quite plausible that missing female privileges and inappropriate male powers can constitute a social circumstance that systematically and wrongfully burdens autonomy and overall life prospects. Indeed, if we want a rights-focused approach for understanding contributions to oppression in liberal societies, explicating those harms in the language of privileges and powers will capture more cases than explicating those harms in the language of claims and immunities.

But notice that absent or alienated female privileges, as well as passive male authority in the form of sexist expectations, don't justify coercive political or social action in the same way that making claim-rights would seem to. Thinking about liberal oppression in terms of privileges and powers preserves the private sphere of social life as is, and demands personal reform rather than enforcement or interference. It separates the question of whether men are blameworthy for failing to renounce their privilege from the question of whether male privilege ought to be interfered with. Just because the private sphere facilitates oppression doesn't mean the solution is to make the private sphere

¹³⁰ Sandra Bartky, *Femininity and Domination: Studies in the Phenomenology of Oppression* (Routledge, 1990), 40.

public. Sometimes the most we can do is recognize where agents fall short, point the way toward necessary moral improvement, and leave it open to the individual whether that moral improvement will take place. At the limit, liberalism is action guiding rather than action enforcing, but if our aim is to eradicate oppressive burdens, there's reason to think that liberalism locates the limit correctly.

When oppression takes the form of missing privileges and inappropriate powers, in my view that changes the question from what societies should do about oppression to what particular individuals—both oppressors and victims alike—should do about oppression. I agree with Samantha Brennan when she claims that “While liberals are committed in principle to not forcing others to lead lives according to conceptions of good the persons in question do not endorse, I see nothing in liberalism that requires the liberal to deny the existence of standards of better and worse for people’s lives.”¹³¹

The aim becomes understanding what kinds of conduct and characters are obligatory and praiseworthy in oppressive circumstances. In the case of victims, the aim becomes understanding what kinds of privileges and liberties they should fight to secure for themselves, and what kinds of inappropriate powers they should resist. The final two chapters of my dissertation take up these questions of victim agency.

¹³¹ Samantha Brennan, “The Liberal Rights of Feminist Liberalism,” in *Varieties of Feminist Liberalism*, ed. Amy R Baehr (Maryland: Rowman & Littlefield, 2004), 87.

4. RESISTANCE AND MORAL OBLIGATION¹³²

4.1. In Defense of Blaming the Victim

Some victims of oppression fight back. Some don't. Some victims believe that the obligation to resist oppression rests entirely elsewhere: with its perpetrators, and perhaps with privileged bystanders. Still others make the calculation that resistance isn't in their best interest, due to the risks that often accompany acts of resistance, and the more immediate benefits that can come from being compliant or even complicit. And a number of victims simply doubt that effective resistance is possible against the overwhelming circumstances of oppression.

Each of these reactions to oppression is entirely understandable. So is resistance a matter of personal choice for its victims, free from the attention of moral assessment? Or is there room to argue that being oppressed calls for one kind of response and not another? In this chapter I'll argue that victims capable of responsible agency have a moral obligation to resist their own oppression. Along the way, I'll address the following questions: what grounds the obligation to resist? When are victims excused from meeting this obligation? And if victims fail to act when resistance is called for, are they blameworthy, and should they be blamed?

¹³² My treatment of this topic has benefited greatly from conversations with Adam Arico, Sara Bernstein, Cheshire Calhoun, Thomas Christiano, Bill Glod, Rachana Kamtekar, Theresa Lopez, Michael McKenna, Connie Rosati, David Schmitz, Justin Tosi, Chad Van Schoelandt, and Matt Zwolinski.

Elsewhere I argue that oppression is a social circumstance that systematically and wrongfully burdens a victim's autonomy or overall life prospects.¹³³ And I count as resistance any act or utterance, no matter how sweeping or subtle, intended to defy or destabilize oppressive norms and practices.¹³⁴ Since oppression is a defining feature of a victim's normative situation, thinking about whether victims are obligated to resist is central to understanding what kinds of moral agents victims of oppression should be, as well as what the condition of victimhood requires of moral agents. So it matters whether the oppressed have, or should take themselves to have, an obligation to resist.

Attributing such an obligation is controversial, however. It can seem to diminish the responsibility of oppressors and privileged bystanders. It can further burden victims, and create in those who fail to resist still greater feelings of shame and self-doubt. It can overlook the various costs that victims, in particular, incur when they oppose oppression. Most troublingly, it risks "blaming the victim" in the morally repugnant sense. Marilyn Frye famously put the worry about obligations of resistance thusly: "Can we hold ourselves, and is it proper to hold each other, *responsible* for resistance? Or is it necessarily both stupid cruelty and a case of 'blaming the victim' to add yet one more pressure in our lives, in each others' lives, by expecting, demanding, requiring,

¹³³ Daniel Silvermint, "Oppression and Victim Agency" (PhD diss., University of Arizona, 2011): chapter 1.

¹³⁴ I thus exclude cases of internal resistance, where a victim shows outward complicity with her oppression but builds up psychological defenses against the effects of being oppressed. The reason for this exclusion is discussed in §4.5.

encouraging, inviting acts and patterns of resistance and reconstruction which are not spontaneously forthcoming?”¹³⁵

We seem to face a trade-off between taking the agency of victims seriously and taking the circumstances of oppression seriously. Attempts to ground an obligation to resist must navigate this apparent dilemma, not only by showing due sensitivity to the obstacles victims face, but by explaining how resistance serves the interests of victims. We must ask why it’s important that victims *in particular* take action, and whether requiring resistance for that reason results in too demanding an obligation.

In §4.2-4.4 I’ll criticize the three grounds most commonly given for why resistance is required and why failing to resist is blameworthy: namely that non-resistance contributes to one’s continued oppression, that non-resistance harms one’s fellow victims, and that non-resistance constitutes a failure to respect the moral law or to defend one’s rational nature. In §4.5 I’ll advance a self-regarding obligation to resist grounded in considerations of objective well-being. I’ll argue that engaging in resistance is good for victims as well as necessary for leading a morally worthwhile life. While considerations of well-being can sometimes justify non-resistance, I’ll argue that neglecting one’s own well-being through compliance or complicity is the sort of wrong for which agents should blame themselves.

4.2. Contributing to Continued Oppression

¹³⁵ Marilyn Frye, “History and Responsibility,” *Hypatia* 3 / *Women’s Studies International Forum* 8, 3 (1985): 215f. Original italics.

So what is it about a victim's normative situation that grounds the obligation to resist, and makes non-resistance a moral failing? The first answer I'll consider is that resistance is obligatory because non-resistance is among the causes of a victim's continued oppression. Since oppressive circumstances are frequently stable due to the inaction of non-victims, and since oppressive circumstances are not normally self-correcting, when victims *also* fail to resist they effectively ensure that oppression will endure. Not resisting thus contributes to continued oppression. According to this approach, all agents, including victims, have an obligation not to contribute to oppression, and contributing to oppression is a blameworthy sort of wrong.

Susan Wendell observes that feminists create problems when, in the interest of not blaming victims, they ignore or deny two truths vitally important to women's liberation: "first, that women do sometimes contribute, by the choices we make, to our own oppression and that of other women; second (and this is not at all the same thing), that women do have some power to avoid victimization and to end their own oppression and that of other women."¹³⁶ Laurence Thomas writes that "Diminished social category persons who exempt themselves contribute, if only unwittingly, to the continued existence of an unjust world."¹³⁷ And according to Iris Marion Young, participating in a social structure that contributes to injustice creates a forward-looking responsibility to

¹³⁶ Susan Wendell, "Oppression and Victimization; Choice and Responsibility," *Hypatia* 5, no. 3 (1990): 21.

¹³⁷ Laurence Thomas, "Moral Flourishing in an Unjust World," *Journal of Moral Education* 22, no. 2 (1993): 87.

change the unjust outcome.¹³⁸ This obligation applies to victims, who “can also be said to share responsibility with others who perpetuate the unjust structures, and can be called on to engage in actions directed at transforming those structures.”¹³⁹ After all, it’s victims that have the strongest interest in changing oppressive circumstances, and it’s victims that are harmed the most by the effects of non-resistance.¹⁴⁰

I have two worries about the contribution thesis: it’s not clear that omitting resistance reliably contributes to oppression, but even if it did, the fact that resisting is so often a collective action problem means it’s unlikely that such contributions can actually be considered wrongful.

Claiming that a non-resisting victim contributes to continued oppression depends on a counterfactual, namely that resisting would have ended, or at least lessened, the burdens of oppression. But it’s normally not within a victim’s ability to end or lessen oppression. I’m not suggesting that victims are powerless: they can obstruct and prevent certain harms, and educate those responsible for harms. But these measures, even when successful, don’t always lessen the cumulative effects of being oppressed. The burdens of oppression aren’t static harms that can be crossed off a checklist, and there isn’t a fixed roster of those who contribute to oppression. Oppression is usually caused by the diffuse actions and inactions of a large number of people, and is maintained through a

¹³⁸ Iris Marion Young, “Responsibility and Global Justice: A Social Connection Model,” *Social Philosophy and Policy* 23, no. 1 (2006): 121. cf., Young, *Responsibility for Justice* (New York: Oxford University Press, 2011).

¹³⁹ *Ibid.*, 123.

¹⁴⁰ *Ibid.*, 124.

combination of self-interest and ignorance. Given the nature of oppression, resistance can bring about a positive change without improving one's circumstances.

What's more, engaging in acts of resistance might actually *increase* the oppression of victims. Resistance can trigger retaliation from self-interested oppressors, and create feelings of anger and resentment among those unaware that they're contributing to oppression. As Jean Harvey cautions, successful resistance has the effect of disrupting a beneficial, or at the very least comfortable, status quo, and the victims responsible for that disruption can pay a price for it.¹⁴¹ If contributing to oppression is wrong, then in those cases when resistance is met with reprisal, we must reach one of two conclusions: either the victim was especially wrong to resist, or the victim would have been in the wrong whether or not they resisted. Aside from being unpalatable, grounding the obligation to resist in this way is potentially self-defeating.

Even if failing to resist reliably and predictably¹⁴² contributed to continued oppression, it's doubtful that any particular victim's contribution should count as wrongdoing. Resisting oppression is most accurately modeled as a collective action problem, as improving oppressive circumstances typically requires combined, coordinated, and sustained effort on the part of many. When not enough victims resist to effect change, then whether or not a particular victim resists, the outcome will be the

¹⁴¹ Jean Harvey, *Civilized Oppression* (Maryland: Rowman & Littlefield, 1999), 84, 97f.

¹⁴² Perhaps we should hold that victims are only obligated to resist when doing so is *likely* to lessen oppression. But there's an obvious epistemic worry: how can victims know in advance when they're likely to escape retaliation, or which acts of resistance are likely to have a non-marginal impact on their circumstances? Especially given that whether an act of resistance actually lessens oppression will depend on the actions and inactions of other victims and oppressors alike? Rarely will there be counterfactual certainty about whether a missed opportunity to resist, if seized, would have lessened oppression, which makes it equally difficult to claim that a given victim's inaction contributed to continued oppression. At best, the obligation to resist becomes extremely situational.

same. And there can be no obligation to do what one cannot possibly do. A group of victims may collectively shoulder some blame for continued oppression, but even so, no particular agent is obligated to act otherwise.¹⁴³ This is especially true when victims face non-trivial costs for resisting, costs that many victims can ill afford to bear.

Perhaps there's another way to ground the obligation to resist in the logic of contribution. Instead of relying solely on counterfactuals about lessened oppression, one can argue that resisting victims play a unique role in ending oppression. In virtue of being oppressed, victims have epistemic access into the injustice that's occurring. At least initially then, victims are best positioned to raise awareness about the wrongfulness of their circumstances and to educate others about the wrongfulness of their attitudes. Victims thus contribute to continued oppression by failing to occupy the transformative role in which they're needed.¹⁴⁴ Harvey writes that victims "should speak up, protest, and explain. It is an irreplaceable contribution to lessening oppression."¹⁴⁵ But there's still a collective action problem here. A victim normally can't, by herself, affect the attitudes of a sufficient number of non-victims to catalyze change. And if change is already underway due to the combined effort of enough other victims, then a particular victim doesn't contribute to continued oppression by failing to occupy a transitional role.

¹⁴³ While it might seem like collective action problems are going to be an issue for every view, I'll argue in §4.5 that it's only an issue when we take the aim of resistance to be ending oppression or lessening its harms. On some views, such as my own, whether resistance is successful doesn't depend at all on whether oppression is lessened.

¹⁴⁴ This argument depends on the assumption that bystanders are morally insensitive, and that social change therefore requires the catalyst of victim testimony. This may not always be the case.

¹⁴⁵ Jean Harvey, "Victims, Resistance, and Civilized Oppression," *Journal of Social Philosophy* 41, no. 1 (2010): 17. Harvey is rightly concerned about an obligated "saturation of focus": the possibility that explaining their experience to well-meaning non-victims can end up constituting a second-order oppression, constraining and defining a victim's entire self-identity. There isn't even a prima facie obligation to burden oneself to such a high degree (19f).

In sum, it's not clear that omitting resistance reliably contributes to oppression. And the fact that oppression is a collective action problem makes it unlikely that any one victim has an obligation to resist on contribution grounds.

4.3. Harming Other Victims

So what is it about a victim's normative situation that grounds the obligation to resist, and makes non-resistance a moral failing? The second answer I'll consider is that resistance is obligatory because non-resisting victims harm *other* victims. When a victim fails to resist oppressive attitudes and practices, she appears to sanction them. And by signaling to non-victims that she accepts her circumstances, she reinforces them, further burdening every victim trapped within those circumstances. This harm goes beyond counterfactually contributing to continued oppression by failing to lessen it: on this view, non-resisting victims are *actually* contributing to the oppression of others.

Although Anita M. Superson opposes blaming women who endorse patriarchal attitudes, she vividly describes the way in which non-resisting victims complicate the lives of their fellow victims: "Arguably, right-wing women cause *more* harm than men to women as a group. By engaging in sexist behavior they create the belief that women really do not mind having their choices restricted, or even worse, that they like the sex roles men have designated for them. This imposes an additional burden on feminists who

are striving to change sexist attitudes and to obtain personal freedom.”¹⁴⁶ Carol Hay observes that “Accepting one’s oppression can make oppression appear acceptable, or, even worse, it can make oppression appear not to be oppression at all. And doing this is no better than endorsing oppression.”¹⁴⁷ And as Ann E. Cudd contends, “By participating in an oppressive institution, one lends some strength and stability to it, perhaps even legitimates it to some degree.”¹⁴⁸ Victims might not have a choice about participating in such institutions, but if they fail to resist them, they signal their acceptance.

Does non-resistance always signal acceptance? I suspect not. Inaction sometimes signals nothing more than the power and threat of oppressive circumstances. And that’s when it signals anything at all. Inaction can be notoriously difficult to interpret.¹⁴⁹ It’s also important to note that if signaling acceptance is a harm that victims are obligated to avoid, then victims who bide their time until better resistance opportunities present themselves act just as wrongly as the genuinely complicit. Obligations to resist oppression should excuse cases of strategically motivated non-resistance, but biding one’s time involves signaling acceptance, and feigned acceptance still reinforces oppressive attitudes and practices. And even if victims always resisted, it’s still possible for non-victims to misinterpret their behavior as something else, such as unreasonableness or aggression—thus reinforcing stereotypes that harm other victims.

¹⁴⁶ Anita M. Superson, “Right-Wing Women: Causes, Choices, and Blaming the Victim,” *Journal of Social Philosophy* 24, no. 3 (1993): 42. Original italics.

¹⁴⁷ Carol Hay, “The Obligation to Resist Oppression,” *Journal of Social Philosophy* 42, no. 1 (2011): 22.

¹⁴⁸ Ann E. Cudd, *Analyzing Oppression* (New York: Oxford University Press, 2006), 199.

¹⁴⁹ My thanks to Matt Zwolinski for this point.

That said, some argue that failing to resist can do more than signal one's acceptance of oppressive institutions: it can actually serve to justify them. Cudd identifies a phenomenon she calls "oppression by choice", which occurs when individual victims rationally accept the most personally advantageous option available to them in oppressive circumstances.¹⁵⁰ These individually rational decisions aggregate to create socially suboptimal outcomes, even though contributing to that outcome wasn't the intention of any particular individual. Cudd's example involves mothers opting out of the workforce when the need arises for one parent to stay home with the children. These mothers opt out because their husbands command higher wages than they do, and if only one parent can remain in the workforce, preserving the higher of the two income streams is the rational decision. But when a sufficient number of mothers make this rational decision, it reinforces the perception that women with children are unreliable workers and thus 'justifies' the existing wage gap.¹⁵¹

A mother in Cudd's example is going to cause harm no matter what she does. If she opts out of the workforce so that her family will enjoy an economic advantage, she's harming other women, but if she asks her husband to opt out of the workforce while she remains employed, her family's economic circumstances will be worsened. For Cudd, the answer to this dilemma "is to do the least undeserved harm."¹⁵² Depending on how the harms are weighed, in some cases a mother will be obligated to remain employed,

¹⁵⁰ Ibid., 146.

¹⁵¹ Ibid., 148ff.

¹⁵² Ibid., 200.

even if that means “sacrificing [her] immediate wants for a long-term vision of a better future.”¹⁵³

My first worry is that given the way Cudd has described cases of oppression by choice, both participating and not participating will harm other victims. If a mother opts out of the workforce, she sends the message that women are unreliable long-term employees. But if she remains in the workforce, she sends the message that women accept smaller paychecks. This complication isn’t an artifact of the particular example, either. Since cases of oppression by choice arise when individually rational choices aggregate in suboptimal ways, making the individually ‘irrational’ choice instead risks signaling one’s preference or acceptance of that alternative. It might even reinforce the harmful stereotype of irrationality that often underlies the oppression of certain groups. Either of these signals can make circumstances even worse for other victims in the long run, leaving it unclear which choice victims are obligated to make, and why non-resistance is uniquely wrong.

In the workforce case, making *either* choice is complicit. Actually resisting would involve protesting or striking for higher pay, in the hopes of shifting the costs of wage disparity onto the employers.¹⁵⁴ So why can’t Cudd just respond that the obligation to avoid harming others thus requires symbolically clear, active resistance, rather than the kind of resistance involved in simply avoiding the collectively suboptimal choice? Recall that for Cudd, victims are obligated to do whatever produces the least harm. Assuming we can weigh interests against each other to determine the lesser harm, there’s reason to

¹⁵³ Ibid., 188.

¹⁵⁴ I thank David Schmitz for the discussion that led to this point.

worry about the burdensomeness of requiring that victims engage in symbolically clear, active resistance. We've already noted how readily non-victims can form expectations or misinterpret ambiguous signals. Engaging in the kind of clear resistance that is unlikely to be misinterpreted can generate significant costs for individual victims, especially in light of the problem of collective action. A woman who strikes alone for equal pay will probably expose herself to harms that exceed her marginal contribution to the oppressive institution. And if enough victims are already resisting to produce positive change, then any particular victim does greater harm by incurring the costs of resistance than she does by contributing to an already-undermined institution.

Cudd is tracking a morally relevant concern, but grounding the obligation to resist in the avoidance of harm yields an obligation from which victims are often, maybe even close to always, excused. While this undercuts the view, I think it's the right result. An obligation to avoid harming fellow victims in the above ways is likely to prove unacceptably burdensome.

I contend that having such an obligation, unless regularly excused, would ultimately require that victims suppress the preferences they have about their own lives for the benefit of others, effectively trading one oppressive expectation for another. The only difference is that victims, now obligated not to send harmful signals, would be pressured to occupy stereotype-undermining roles instead of occupying stereotype-reinforcing roles. Is this any better? Victims of oppression already endure burdened autonomy or overall life prospects, so if there's one thing they deserve, it's being able to choose the kinds of lives they'd value living. I'm not suggesting that being oppressed

gives one license to harm others. What I'm suggesting is that victims are properly excused from the other-regarding obligation to avoid reinforcing harmful stereotypes.

The reason women are harmed by mothers that opt out of the workforce is because their choices reaffirm or even 'justify' the stereotypes that some employers hold. If it weren't for this fact, there would be nothing at all harmful about choosing domesticity. Other men aren't harmed when a particular father decides to opt out of the workforce. The reason victims find themselves with an obligation to abandon certain worthwhile aims is due entirely to some morally irrelevant feature of their identity, such as their sex or race or orientation. Being limited in this way, for such reasons, is oppressive. Victims don't have claims on each other to studiously avoid matching the inappropriate attitudes of their oppressors. The obligation not to harm victims via stereotype rests with those who hold, trust, and act upon such stereotypes: namely, oppressors.

In sum, if we ground the obligation to resist oppression in the harm that non-resisting victims cause other victims, we end up with an obligation from which victims are often or almost always excused, albeit for the right reasons.

4.4. Respecting the Moral Law / Defending One's Rational Nature

So what is it about a victim's normative situation that grounds the obligation to resist, and makes non-resistance a moral failing? The third answer I'll consider is that resistance is obligatory because non-resistance constitutes a failure to respect one's equal

moral worth. Since I hold a well-being view, I'm sympathetic to this line. Being a good moral agent does involve recognizing that one owes oneself something more than compliance or complicity. But the self-respecting obligation currently under consideration is distinctly Kantian: as members of the moral community of persons, an agent's rights and worth derive from morality itself. Respecting oneself appropriately *is* respecting morality, so when a victim is compliant or complicit in their oppression, they fail to respect the moral law.

According to proponents of this approach, it's necessary to ground the obligation to engage in self-respecting resistance in the more fundamental obligation to respect morality, because otherwise, not respecting oneself wouldn't be a *moral* failing. For example, Bernard Boxill believes that victims of the kinds of injustices that violate or threaten rights have a duty to protest as an expression of self-respect.¹⁵⁵ But while self-respect and equal rights are objectively valuable goods for victims of oppression, what makes the neglect of these goods *morally* wrong is that their value is "conferred by morality."¹⁵⁶ Without this further link, the most we could say is that failing to pursue these valuable goods is unhealthy, imprudent, and potentially dangerous. Boxill recognizes the irreplaceable benefit of a victim proving his worth to himself by engaging

¹⁵⁵ Bernard R. Boxill, "The Responsibility of the Oppressed to Resist Their Own Oppression," *Journal of Social Philosophy* 41, no. 1 (2010): 7 & Boxill, *Blacks and Social Justice* (Maryland: Rowman & Allanheld, 1984), 191.

¹⁵⁶ Boxill, *Blacks and Social Justice*, 192.

in protest,¹⁵⁷ but the blameworthy betrayal of non-resistance is failing to protest the violation of morality.¹⁵⁸ For Boxill, resistance isn't self-centered.¹⁵⁹

Thomas Hill's famous discussion of servility is another example where the moral fault of non-resistance is grounded in an obligation the victim has to respect the moral law. Servility, for Hill, is objectionable because it reveals the absence of a certain kind of self-respect, namely the kind involved in understanding and acknowledging one's own moral rights and their value.¹⁶⁰ Non-resistance is blameworthy when a "a person continues his deferential role just from laziness, timidity, or a desire for some minor advantage. He shows too little concern for his moral status as a person, one is tempted to say, if he is willing to deny it for a small profit or simply because it requires some effort and courage to affirm it openly."¹⁶¹ But why is non-resistance *morally* wrong? Hill explains that "The essentially Kantian idea here is that morality, as a system of equal fundamental rights and duties, is worthy of respect, and hence a completely moral person would respect it in word and manner as well as in deed. And what a completely moral person would do, in Kant's view, is our duty to do so far as we can."¹⁶² Violating this duty though non-resistance thus demonstrates a wrongful indifference to morality itself.¹⁶³

¹⁵⁷ Ibid., 192f.

¹⁵⁸ Ibid., 190f.

¹⁵⁹ Ibid., 191.

¹⁶⁰ Thomas E. Hill, Jr., "Servility and Self-Respect," *The Monist* 57, no. 1 (1973): 89, 93.

¹⁶¹ Ibid., 96.

¹⁶² Ibid., 99.

¹⁶³ Ibid., 99.

For both Boxill and Hill, the moral obligation to resist isn't directly grounded in the centrality of self-respect to a person's well-being, or in the necessity of self-respect for living a morally worthwhile life. Instead, resistance is required in order to meet the more general and universal moral obligation to comply with what morality demands of each of us, victims included. If one grants that moral agents have an obligation to respect the moral law by respecting victims, then as moral agents, victims themselves have this obligation, and they commit a moral wrong when they violate it. This has an unsavory implication about the kind of moral agents that non-resisting victims reveal themselves to be: namely, the same kind of moral agents that oppressors reveal themselves to be. Oppressive circumstances are often, perhaps even always, constituted by a failure on the part of many non-victims to respect the moral worth of victims. Yet on this approach, the disrespect that many oppressors show their victims is the exact same moral failing as the disrespect non-resisting victims show themselves.

One might object that the wrong victims do still isn't on a par with the wrong oppressors do, but it's not clear what would account for the difference. After all, we can't simply assume that oppressors are being more vicious than the oppressed when they fail to properly respect victims, because many of those who contribute to oppression actually do so unknowingly, unintentionally, and indirectly.¹⁶⁴ And while some oppressors do knowingly contribute to oppression in order to secure material benefit for themselves, this can also be true of victims who opt for servility or complicity. Perhaps

¹⁶⁴ As Young insightfully observes, "The conscious actions of many individuals daily contribute to maintaining and reproducing oppression, but those people are usually simply doing their jobs or living their lives, and do not understand themselves as agents of oppression." See: Iris Marion Young, *Justice and the Politics of Difference* (New Jersey: Princeton University Press, 1990), 41f.

there's a difference when it comes to those oppressors motivated by outright hatred and intolerance, but it's likely such views are formed by the same oppressive norms and practices responsible for the adaptive preferences of some victims. So while it's intuitive to claim that oppressors burden the lives of victims in a way that's relevantly dissimilar from the ways that non-resisting victims burden themselves, within the Kantian framework, the wrongdoing of oppressors and non-resisting victims appear interchangeable.

Recently, Hay has offered a different kind of Kantian argument, one that avoids the above implication. She argues that victims have an obligation to recognize the value of their rational nature, and to respond to that value accordingly.¹⁶⁵ This in turn obligates resistance, because “once we recognize that rational nature can be harmed by oppression we will see there is an obligation not merely to *respect* rational nature but also to *protect* it.”¹⁶⁶ According to Hay, our capacity for practical rationality can be harmed “when damage is done either to our capacities to form reasonable practically relevant beliefs, to our capacities to form reasonable—that is, consistent—intentions on the basis of these beliefs, or to our capacities to practically deliberate from beliefs to intentions. Our capacity for practical rationality can also be harmed when we face illegitimate restrictions on the full and proper exercise of these capacities.”¹⁶⁷

Hay's argument depends on the observation that oppression can harm one's capacity to act rationally, which it can. And I agree with Hay that agents are obligated to

¹⁶⁵ Hay, “The Obligation to Resist Oppression,” 21f.

¹⁶⁶ *Ibid.*, 23. Original italics.

¹⁶⁷ *Ibid.*, 24.

protect their rational natures; again, I hold a well-being view. But the need to preserve one's capacity to act rationally doesn't seem to capture the full range of cases in which we want to say that victims have an obligation to resist. One's capacity to act rationally isn't always at risk, and we should prefer a method of grounding the obligation to resist that doesn't categorically exempt such cases. Among the frequent harms of oppression is its removal of valuable choices from a victim's option set, either by outright forbidding the conduct in question or by raising its cost to a prohibitive degree. I want to say that victims are obligated to resist such harms. But in order for Hay to make a comparable claim, she would need to demonstrate that limiting valuable choices harms one's rational nature or capacity to engage in practical reason, because it's the latter sorts of harm that victims are obligated to defend against.

First, it's not clear how having unfairly limited options per se would impair practical reasoning, as a victim still undergoes the normal process of examining available choices, weighing preferences against costs, and choosing the means that best realize her aims. If a desirable aim isn't available to an agent, being forced to choose from the remaining aims might constitute a wrongful limitation on her freedom, but it doesn't constitute a limitation of her rational capacities. If it did, then being limited in one's selection of some trivial aim would obligate resistance just as much as being limited in one's selection of a genuinely valuable aim.

Second, and more importantly, if having unfairly limited options can ground a self-regarding obligation to resist, I don't think it's because one's rational nature is at stake. Consider the oppressive limits placed on lesbians and gays when it comes to

valuable aims such as marriage and adoption. If we think that lesbians and gays have an obligation to resist, it's not because being unable to choose marriage and adoption erodes or undermines their rational capacities. They're obligated to resist because marriage and adoption are valuable aims, wrongfully denied. Some aims are simply too valuable to surrender without a fight. True, not every victim of heteronormativity desires domesticity, but for those who do, failing to resist the wrongful denial of such deserved and valuable aims shows an insufficient regard their own well-being. The obligation to resist in this case stems from the value of marriage and adoption, and from the value of being free to choose among worthwhile aims more generally. It's not about the value of exercising one's rational capacities by choosing marriage and adoption.

In sum, victims do act wrongly when they fail to defend their rational natures, as well as when they fail to be properly self-respecting. But as I'll now demonstrate, the self-regarding obligation to resist is better explained by appealing to considerations of objective well-being.

4.5. Protecting and Promoting One's Well-being

So what is it about a victim's normative situation that grounds the obligation to resist, and makes non-resistance a moral failing? The answer I'll develop is that victims have an obligation to resist because doing so is a component of objective well-being in oppressive circumstances. When a victim fails to resist the wrongful harms of oppression, she shows insufficient regard for her own well-being, and for the value of the

worthwhile aims and lives that resistance could have afforded her. When a victim fails to resist, she fails herself.

Although my goal in what follows is to demonstrate that a concern for one's own well-being necessitates resistance, I'll make no attempt to innovate or advocate for a particular conception of objective well-being. Not only would doing so exceed the scope of this chapter, I think it's a mistake to conclude that there's only one unique account of well-being that can explain why victims are morally obligated to resist their oppression. The connection between resistance and well-being is more robust than that.¹⁶⁸ Indeed, the centrality of resistance to victims' well-being is one of the reasons I think this approach best explains why resistance is obligatory. To accommodate a range of views, then, I'll present several arguments in parallel, and limit myself to a general discussion of objective well-being.¹⁶⁹

The connection between resisting oppression and objective well-being is twofold. Insofar as resistance aims at avoiding, lessening, or counteracting the damage that oppression does to a victim's autonomy or overall life prospects, resistance can *protect* a victim's well-being in oppressive circumstances. But well-being consists in more than protecting oneself from harm, or attempting to restore oneself after a harm has been suffered: well-being also consists in the pursuit of valuable aims. By "valuable aims" I

¹⁶⁸ I think the only conception of well-being that can't reliably ground an obligation to resist is a subjective conception where what counts as good for a victim is understood in exclusively materialistic terms. As this isn't an especially appealing understanding of what makes a human life worthwhile, its incompatibility isn't a concern.

¹⁶⁹ Not everyone believes that self-regarding obligations are genuinely moral obligations. I'm not sure I have anything terribly original to say to skeptics. It's my burden to defend the idea that considerations of well-being can fully explain why victims are obligated to resist, but not to defend the idea that considerations of well-being are properly moral considerations. I defer instead to the various arguments well-being theories themselves provide.

mean those goods, projects, relationships, and states of being that are important to the individual, as well as the general aim of leading a worthwhile life. Resistance can facilitate or further the pursuit of certain valuable aims, making resistance instrumentally good for victims. And as I'll contend, resistance is itself a valuable aim, meaning that resistance is intrinsically good for victims. Resistance can thus *promote* a victim's well-being in oppressive circumstances.

Let's begin by examining the ways in which resistance is intrinsically good for victims. Under almost any conception of well-being, it isn't possible to lead a worthwhile, flourishing life without self-respect and autonomy. Self-respect, in the recognitional sense,¹⁷⁰ involves understanding one's inherent dignity and resenting affronts to that dignity. It means seeing oneself as an equal in the moral community of persons, as a person entitled to a certain threshold of treatment by others and by oneself. Self-respect also involves appreciating the significance of being a moral agent, of acting in ways that befit one's personhood, and of taking one's responsibilities seriously—especially, according to Robin S. Dillon, the “responsibility to preserve and manifest our dignity.”¹⁷¹ Autonomy, meanwhile, amounts to self-direction. Autonomous agents have both the disposition and the capacity to live their lives in accordance with self-generated reasons, to select and act on aims of their own choosing instead of having their choices or aims determined for them.

¹⁷⁰ Robin S. Dillon, “Self-Respect: Moral, Emotional, Political,” *Ethics* 107, no. 2 (1997): 229f. cf., Stephen Darwall, “Two Kinds of Respect,” *Ethics* 88, no. 1 (1977): 36-49.

¹⁷¹ Dillon, “Self-Respect: Moral, Emotional, Political,” 230.

It's not hard to see why self-respect and autonomy are good for all persons, and particularly for victims of oppression. Self-respect and autonomy are necessary for the successful pursuit and meaningful enjoyment of most valuable aims, and for feeling authentic satisfaction with how one's life is going. But self-respect and autonomy do more than contribute instrumentally to worthwhile lives. These goods partially constitute the kinds of lives that are good for persons to lead. They're the sorts of goods that can't be undermined without damaging a person's well-being. So why is resistance *intrinsically* good for victims? Recall that resistance is an act or utterance intended to defy or destabilize oppressive norms or practices. I'll argue that engaging in resistance *just is* self-respecting, autonomous activity in oppressive circumstances.

Resistance is self-respecting because it asserts one's rightful status as a moral equal, and takes seriously the obligations of self-respecting agency. A victim that never resists oppressive norms or practices lacks self-respect, because they accept without protest their inequality, subordination, displacement, or marginalization. Resisting is important not only for the sake of asserting one's status to others, but for affirming one's status to oneself. It might be argued that a victim can be internally self-respecting, simply by maintaining a resilient self-conception in the face of oppressive norms and practices. I think this notion is mistaken. Genuine self-respect involves a disposition to act in accordance with one's value, rather than just passively believing that one has value. Besides, if an oppressed person thinks it isn't really important to assert their basic dignity and equal moral status, then barring certain strategic or self-sacrificial motives, it's not clear what their self-respecting beliefs actually amount to. Relying on internal resistance

also likely underestimates the damage that oppression can do to a victim's self-conception. As Hay observed in her discussion of the obligation to defend rational agency, "there are epistemic, moral, and practical reasons to think that in all but the most extreme cases some degree of external resistance to oppression will remain necessary."¹⁷²

Next, engaging in resistance *just is* being autonomous in oppressive circumstances. When a victim routinely fails to resist their oppression in any way, I contend that their life cannot be characterized as autonomous—even on a content-neutral understanding of autonomy.¹⁷³ When a victim is able to resist but opts instead for compliance or complicity, they accept external authorship over their life. A worthwhile life under conditions of oppression isn't a life that victims allow their oppressors to shape for them. It's the kind of life that victims, as much as is possible and as much as is wise, shape for themselves.

To engage in resistance is to take responsibility for oneself, one's character, and one's life. So even in cases where resistance fails to lessen oppression or minimize its burdens, resisting the external norms and practices that seek to define and control a victim is inherently self-directing. Unless a victim's authentic, long term preferences happen to line up perfectly with oppressive norms and practices (either coincidentally or

¹⁷² Hay, "The Obligation to Resist Oppression," 34.

¹⁷³ Marilyn Friedman characterizes content-neutral autonomy as a conception "that is neutral with regard to the content of what a person must choose in order to be autonomous," whereas substantive conceptions of autonomy hold that "someone is not autonomous unless she chooses in accord with certain values." Marilyn Friedman, *Autonomy, Gender, Politics* (New York: Oxford University Press, 2003), 19. While it might appear as if my view embraces a substantive conception of autonomy, I'll explain shortly that I have a different distinction in mind.

because the victim reflectively endorses oppressive norms),¹⁷⁴ the absence of resistance means a victim isn't exercising the kind of autonomy that's necessary for a morally worthwhile life in oppressive circumstances. Compliant and complicit victims may retain the capacity for autonomous activity in some or many domains, but because their choices and actions deliberately conform to unjust external expectations and constraints, they aren't self-directing in what I'll call in a global sense.

Imagine two slaves. Suppose each slave desires a range of valuable aims, including a peaceful family life. And suppose their enslavers permit them only this latter aim, promising a peaceful family life in exchange for complicity. Both slaves are aware that pursuing other valuable aims might trigger retaliation, but that there's some possibility of pursuing those aims covertly. The first slave weighs his options, and prioritizing the value of family, conforms his life to his enslaver's unjust expectations and constraints. Some would argue that this slave has acted autonomously. But consider the second slave: he rejects the unjust expectations and constraints, and decides to covertly pursue more than the one valuable aim afforded him by the self-serving largess of his enslaver. Like the first slave, he worries about the risk, but as much as is safely possible, he's determined to set the contours of his own life. I believe there's a difference in well-being between these two slaves, and the difference is what I mean by global autonomy. Being globally autonomous in oppressive circumstances means rejecting the external authorship over one's life that partially constitutes one's oppression.

¹⁷⁴ Such victims are autonomous on a content-neutral conception, but rather than adopt a substantive conception of autonomy, I think the proper criticism to make is that such victims aren't self-respecting in the recognitional sense.

Engaging in resistance is self-respecting, autonomous activity. Resistance is therefore intrinsically good for victims. And interestingly, this claim doesn't depend on the assumption that engaging in resistance always or even often succeeds in lessening the burdens of oppression. While experiencing less oppression would undoubtedly have a positive effect on a typical victim's well-being, my point is that what makes a life worthwhile in oppressive circumstances is constituted, in part, by a certain dispositional response to those circumstances. Other things being equal, a victim that resists their oppression has greater well-being than a compliant or complicit victim, even if they're oppressed in the same ways and to the same degree.

Compliance and complicity can afford victims a degree of material comfort, but we can't say that compliance and complicity are good for victims without abandoning our normal understanding of the kinds of lives that are good for agents. Compliance and complicity don't lead to flourishing, or to the perfection of a victim's character or nature. Compliance and complicity aren't valuable aims. They don't make a human life go well. It may be true that victims of oppression are unable to experience the same level of well-being that non-victims enjoy, but I see no reason to think that oppression changes the constituents of well-being. If anything, goods like self-respect and autonomy are *uniquely* important for the oppressed. Suggesting that resistance isn't intrinsically good for victims involves denying one of two plausible claims: either you have to deny that self-respect and self-direction are intrinsically good for victims, or you have to deny that resistance is self-respecting and self-directing.

I've discussed the ways in which resistance is intrinsically good for victims. Resistance can also be instrumentally good for victims. For example, it can provide a victim with evaluative self-respect. Whereas recognitional self-respect involves appreciating the basic dignity and agency one has as a moral equal, evaluative self-respect involves positively appraising one's character or conduct. Dillon describes evaluative self-respect as "the view one has of the sort of person one ought to be or that it would be good to be, and of the kind of life such a person should live."¹⁷⁵ To have evaluative self-respect is to have "confidence in one's merit as a person,"¹⁷⁶ and it's intuitive that resistance, rather than compliance or complicity, would give a typical victim confidence in their moral merit. Although adaptive preferences can problematically interfere with self-assessment, victims who haven't fully internalized oppressive norms have reason to think that they ought to be self-directing and self-respecting (in the earlier, recognitional sense). Besides, resistance is opposition to injustice, and opposing injustice gives all agents *prima facie* reason to believe in their moral merit.

Resistance can also preserve or boost a victim's self-esteem. Oppression is a wearying, dispiriting, and demoralizing state of affairs, and even small acts of defiance can potentially keep victims from being overwhelmed by the dismissive and disempowering attitudes of their oppressors, and by the indifference and inaction of so many bystanders. There are psychological benefits to speaking out, to proclaiming one's worth to oneself and to others. Resistance, put simply, can be empowering: it can succeed in carving out the psychological and practical space that's necessary for self-

¹⁷⁵ Dillon, "Self-Respect: Moral, Emotional, Political," 231.

¹⁷⁶ *Ibid.*, 231.

directed activity. Resistance can guard against the threat of developing adaptive preferences, and can even give victims the hope or positive outlook they need to pursue valuable projects and goals despite external condemnations or constraints. Additionally, engaging in resistance can help victims develop skills and cultivate dispositions that are useful in other domains of their lives. Resisting can also give victims a sense of solidarity with other resisting victims, a type of relationship that can contribute quite substantially to a victim's well-being. And at least some of the time resistance does lessen oppression outright, which has obvious instrumental benefits for the well-being of victims.

That said, engaging in resistance can sometimes detract from well-being more than it contributes. Continued failure to change one's circumstances can discourage victims, and for some, that discouragement might exceed the psychological damage of compliance or complicity. Resistance can also trigger retaliation, thus deepening the burdens that victims experience. Sometimes victims simply encounter bad luck. In talking about the instrumental benefits of resistance, I've been careful to phrase my claims in terms of possibilities. At best, resistance *can* contribute instrumentally to a victim's well-being. Concluding that resistance always succeeds in promoting a victim's well-being is empirically indefensible, not to mention a rather naïve generalization about the particular circumstances of victims.

There are two reasons to think that self-harming resistance doesn't undercut my view. First, resistance can sometimes promote well-being even when it proves to be instrumentally bad for victims. There's a trade-off to be made between the avoidance of

retaliatory burdens, for example, and the good of acting in self-respecting, self-directing ways. It's only as the potential burdens become more severe that the negative obligation to protect one's well-being begins to recommend against resistance. This leads to the second reason: the fact that resistance isn't always in the best interest of victims is actually an explanatory strength of the well-being approach. That resistance can sometimes damage the well-being of victims accommodates, in a principled way, the intuition that victims are sometimes justified in not resisting. Much like the connection between resistance and well-being grounds a self-regarding obligation to resist, cases where resistance would fail to protect or promote a victim's well-being reveal the range of circumstances in which non-resistance is morally permissible or perhaps even morally appropriate.

When does a concern for well-being justify non-resistance? First, if a victim resisted every single oppressive norm and practice encountered daily, their unending resistance would likely crowd out other valuable aims that contribute to well-being. Defying oppression is necessary to lead a self-respecting and self-directing life, but a life that's only about defiance is probably lacking in other ways. For most victims, protecting and promoting their well-being involves striking a balance between resistance and non-resistance. Some victims might wholeheartedly feel that resistance fully constitutes a worthwhile life, but considerations of well-being certainly don't require that victims do nothing with their lives aside from resist, or even that victims treat resistance as the most worthwhile, character-defining endeavor of their lives.

We shouldn't expect there to be clear rules about how this balance is to be struck, or exactly how much resistance is required to fulfill the self-regarding obligation. Victims don't lead identical lives, victims don't all have the same starting level of well-being, and not every victim needs the various constituents of well-being to the same degree. Deciding whether this justification applies to a victim in a given instance is a matter of personal introspection for that victim. A victim can be praiseworthy or blameworthy in virtue of how they justify non-resistance to themselves—e.g., it matters that they're honest with themselves, that their decision took the morally relevant considerations of well-being into account, etc.—but there's no formula for deciding whether considerations of well-being justify particular instances of non-resistance.

Victims are also justified in not resisting when the costs would simply be too high, or when they face the sort of retaliatory threat that can drastically undermine their well-being. The goods of self-respect and self-direction may partially constitute well-being, but so does the good of security. However, victims can sometimes overestimate the risk or potential harms of retaliation. Depending on how reasonably a victim estimates the costs of resistance, a victim might be justified in not resisting or she might be failing a self-regarding obligation. And again, the manner in which the decision is made can reveal a potentially blameworthy moral failing.¹⁷⁷

¹⁷⁷ I say “potentially” because it's a complicated matter whether non-resisting victims motivated by overstated fears are displaying blameworthy cowardice, or whether it's inappropriate to blame a victim of oppression for having the sorts of overstated fears that oppression characteristically generates. In other words, a non-resisting victim motivated by overstated fears might be cowardly, and thus might lack an excuse for failing to resist, but that doesn't necessarily mean that they're blameworthy for failing to resist, or that it would be all-things-considered appropriate to blame them even if their cowardice were a genuine moral failing.

Non-resistance can also be excused when a given victim's psychology makes fulfilling their obligation unrealistic. Some victims are utterly worn down by the unending burdens of oppression, and some have completely internalized the oppressive norms of their society. In either case, attempting to fulfill their self-regarding obligation to resist is unlikely to contribute to their well-being, and the weight of the obligation itself might be an unmitigated burden. For some victims, the obligation to resist will foster only further misery, and create a new layer of shame rather than a sense of self-respect. A concern for well-being would excuse non-resistance in such cases, since a certain threshold of informed and capable agency is required in order to benefit from resistance. There are certainly exceptions to this bleak prediction, just as there are examples of victims who surrender prematurely or are culpably ignorant about the oppressiveness of the norms they've internalized, but a concern for well-being does excuse non-resistance in the case of shattered or corrupted agency.

So, what can we say about a victim whose non-resistance isn't justified or excused by any of the above considerations of well-being? A victim that's disposed to compliance or complicity even when their well-being would clearly be protected or promoted by engaging in resistance? A victim that neglects their own well-being, but whose agency hasn't been shattered or corrupted by oppressive norms and practices? A victim that doesn't much value self-respect and self-direction, or believes that a balanced and worthwhile life is possible without these fundamental goods? I contend that such victims reveal one or both of the following failings.

They might reveal a failing in their evaluative commitments, either by placing insufficient weight on their own well-being, ignoring the self-regarding considerations that make resistance important, or by neglecting to properly balance resistance among their other valuable aims. Such a victim might also reveal a failing in their character, with the specific failing depending on the motives and dispositions underlying their non-resistance. For example, a victim that routinely and dramatically overestimates the risk and harms of retaliation might reveal cowardice. A victim that isn't self-respecting enough to resist any of the harms and humiliations of oppression might reveal either indifference or servility. A victim that's motivated by the material comforts of complicity might reveal greediness, or a lack of wisdom or pride. It very much depends on the particular agent and on the details of her situation.

This verdict includes victims who make the mistaken calculation that resistance isn't in their best interest. It includes victims who believe that the difficulty of changing oppressive circumstances means they have no obligation to resist. And it includes victims that believe the obligation to deal with oppression rests entirely elsewhere: with its perpetrators, and perhaps with privileged bystanders. Either such victims aren't being properly self-regarding, or their characters fall short of reasonable standards of moral agency in oppressive circumstances. Are these blameworthy failings?¹⁷⁸ I believe so. Given the justifications and excuses for non-resistance considered above, we're talking about cases where victims neglect to promote their well-being and disregard the aim of leading worthwhile lives. Such victims not only reveal a failing in their evaluative

¹⁷⁸ Conversations with Michael McKenna greatly improved my treatment of this question.

commitments or their character, but they reveal a blameworthy failing. And such victims have reason to blame themselves.

Just because victims endure a wrongfully burdened existence doesn't mean it's any less important that they make the most of the circumstances in which they find themselves. It still matters that victims try to protect and promote their own well-being and that they try to lead worthwhile lives, despite the ways in which their circumstances complicate that ambition. Yes, oppressive circumstances affect the choices victims have, but the remaining choices aren't meaningless—especially the choice of whether or not to resist. Given the particulars of the normative situation in which victims find themselves, choosing not to resist, absent a justification or an excuse grounded in considerations of well-being, is a blameworthy failing.

That said, claiming non-resistance is blameworthy doesn't mean that non-victims have an all-things-considered reason to blame victims. The oppressed don't deserve the resentment and adverse treatment of non-victims, nor do non-victims typically have the standing to demand or expect that victims resist their oppression. If anything, accountability flows in the opposite direction. This chapter deals with victim agency, and claims about what the oppressed owe themselves are separate from claims about how the oppressed should be treated by others.

4.6. The Condition of Victimhood

My goal was to make both a critical and a positive contribution to our understanding of what the condition of victimhood demands of moral agents. I criticized the three grounds most commonly given for the claim that resistance is obligated and that failing to resist is blameworthy: namely that non-resistance contributes to one's continued oppression, that non-resistance harms one's fellow victims, and that non-resistance constitutes a failure to respect the moral law or to defend one's rational nature. And I advanced a self-regarding obligation to resist grounded in objective well-being. I argued that when a victim fails to resist the wrongful harms of oppression, she shows insufficient regard for her own well-being, and for the value of the worthwhile aims and lives that resistance could have afforded her. In oppressive circumstances, a victim that routinely fails to resist fails herself.

While I've here focused on what a moral actor owes herself in oppressive circumstances, the condition of victimhood does have an interpersonal component. We cannot fully understand the agency of the oppressed until we examine the kinds of political relationships victims ought to have, and how resistance can both complicate and realize the bonds of political community. It's to this topic that I now turn.

5. RESISTANCE AND POLITICAL VIRTUE¹⁷⁹

5.1. When Circumstances Differ

There comes a point when our concern is not with an agent's obligations, but with the kind of agent she can and should be. The political dimension of resistance is one such case. To be sure, it's important to understand the limits of a victim's duty to obey the state, to support its institutions, and to comply with its laws. But resistance is ultimately about more than mere opposition or obstruction. Resistance is a vision of justice glimpsed from non-ideal circumstances. Resistance is also an attempt to realize that vision. It raises questions about virtuous aims, and which traits and tactics are compatible with those aims. It raises questions about the kinds of characters that need preserving, and the kinds of relationships that are worth preserving. It raises questions about that vision of justice itself.

The most obvious conclusion one can reach about oppressive circumstances is that they aren't the same as just circumstances. What isn't obvious is whether this difference should affect our understanding of political agency in oppressive circumstances. Confronting oppressive circumstances can certainly obligate agents in unique ways, for example by changing a duty to support institutions into a duty to resist

¹⁷⁹ My treatment of this topic has benefited greatly from conversations with Cheshire Calhoun, Thomas Christiano, Rachana Kamtekar, Michael McKenna, and David Schmitz.

institutions.¹⁸⁰ But beyond changing what a good political actor *does*, might confronting oppressive circumstances change the kind of political actor a person can and should be?

Given the often-horrific realities of victimization, and the urgency of resisting ongoing injustice, might even good political actors cultivate a disposition to feel unrelenting rage, or demonstrate virtue by withholding sympathy from their oppressors? Perhaps the stark differences between just and oppressive circumstances call for a disjunctive account of political agency, where recommended character traits, dispositions, aims, and even virtues are circumstance specific. At first glance, it doesn't seem realistic or fair to posit a unified, context-independent answer to the question "What kind of political actor should I be?" But as I'll argue, it's the very scope of resistance that recommends against a disjunctive account.

In this chapter, I'll advocate for a unified account of political agency. I'll begin by examining the case for a disjunctive account in §5.2, specifically Lisa Tessman's claim that effective resistance requires adopting morally problematic character traits and dispositions. I criticize this position by arguing that the test shouldn't be whether traits are conducive to acts of resistance simpliciter, but should instead be whether traits are conducive to the kinds of acts that can move societies past oppression. The history of the 20th century is rife with examples of resistance movements that toppled leaders but didn't end oppression, because the new leaders—themselves former victims—became oppressors in turn. It's not enough simply to respond to injustice. Traits and dispositions can only be recommended if they're conducive to building and maintaining a society that

¹⁸⁰ As I'll explain below, I conceive of disobedience as a variety of political participation.

realizes justice. Put simply, the worry is that hardened dispositions don't disappear once resistance has been successful, and that agents disposed to seeing their political opponents as obstacles can remove their oppressors, but not oppression.¹⁸¹ If engaging in resistance is to count as politically virtuous, then this is a worry that must be reflected in the aims and commitments of practically wise political actors.¹⁸²

Since virtuous resistance aims at post-oppressive political relationships, we have reason to be wary of disjunctive accounts that recommend traits and dispositions in oppressive circumstances that would be considered vicious in post-oppression societies. Even so, a disjunctive account might still be considered regrettably justified on purely pragmatic grounds if we can't locate an account of political agency that's both [a] applicable to oppressive as well as post-oppressive circumstances, and that's [b] conducive to engaging in a range of effective resistance in oppressive circumstances, up to and including civil disobedience.

In §5.3, I develop Aristotle's surprisingly underexplored account of virtuous political agency in order to argue that the virtue of "ruling and being ruled" can and should be cultivated in oppressive circumstances, including circumstances where victims are disenfranchised from political institutions. This requires demonstrating that engaging in nonviolent civil disobedience allows one to cultivate and display the virtue of ruling and being ruled. In §5.4, I cite evidence that nonviolent civil disobedience is effective

¹⁸¹ By "hardened dispositions" I don't mean those dispositions that are fixed. I mean dispositions that mark a person as hard, such as a disposition to regard one's opponents as mere obstacles.

¹⁸² I mean here the familiar concept of practical wisdom as a virtue, which consists in deliberating well about what is good for oneself and what is good for people in general, in the sense of what is conducive to agents living well as a whole. Aristotle, *Nicomachean Ethics*, trans. Roger Crisp (Cambridge University Press, 2000), VI.5, 1140^B: 7-10, 1140^A: 25-30.

and practically wise, and observe that the character traits and dispositions underlying civil disobedience are politically virtuous in precisely the ways recommended by the developed Aristotelian account.

This in turn sheds light on the fundamental similarity between good political actors in just circumstances and good political actors in oppressive circumstances: namely, their shared aim of creating and supporting just institutions that help people lead flourishing lives. The only difference is that citizens in just societies realize the Aristotelian political aim and exercise the Aristotelian political virtue by participating in political institutions, whereas victims in oppressive societies do so by resisting oppression in nonviolent and ultimately reconciliatory ways. Virtuous resistance is relationship preserving in the sorts of ways that hardened character traits predictably preclude. I close in §5.5 by considering a few caveats about nonviolent resistance tactics.

5.2. Disjunctive Accounts of Political Virtue

I begin with a qualification about the scope of this chapter. It's not at all a given that agents in oppressive circumstances have to prioritize being good *political* actors. A practically wise agent might judge that familial obligations, say, tell against calling attention to oneself through overt political action. I'm interested in understanding what's involved in being a good political actor in oppressive circumstances, not in asserting a generic answer about the kind of priority that being a good political actor should have in a particular victim's life.

So, what does being a good political actor in oppressive circumstances involve? To start with, resistance has to be a central aim for such actors, which I consider a relatively uncontroversial claim. It's hard to imagine an account of political agency that would normally recommend either indifference to oppression or complicity in oppression. As Ann Cudd puts the point, "Oppression, by definition, implies injustice, and so someone or some entity has at least a prima facie obligation to end the oppression."¹⁸³ Andrés Rosler emphasizes the primitive nature of this claim in his work on Aristotelian political authority: "when it comes to virtuous agents, they act on what is morally admirable, and thus they have a moral reason for not enduring a tyrannical regime."¹⁸⁴ Thus a disjunctive account of political agency—one that features oppression-specific dispositions and virtues—has to explain how a commitment to resist oppression would affect and inform what it means to be a good political actor in oppressive circumstances.

Lisa Tessman develops a fascinating account of how oppressive circumstances burden virtuous agents. Although her view doesn't exhaust the possibilities for disjunctive accounts of political agency, I believe it offers an important, representative, and telling example. Tessman maintains that ideal characterizations of virtuous activity don't translate to oppressive circumstances. Indeed, in the opening passages of her book she describes the "fruitlessness of the search for traits that could unambivalently be

¹⁸³ Ann E. Cudd, *Analyzing Oppression* (New York: Oxford University Press, 2006), 195.

¹⁸⁴ Andrés Rosler, *Political Authority and Obligation in Aristotle* (New York: Oxford University Press, 2005), 246.

morally praised ... within the context of liberatory political movements.”¹⁸⁵ She does, however, argue that eudaimonism remains a useful framework for understanding oppressive circumstances and for thinking about liberatory struggles, as we can “portray oppression as a set of barriers to flourishing and think about political resistance as a way of eradicating these barriers and enabling flourishing.”¹⁸⁶

This is compatible both with my account of oppression as burdening autonomy and overall life prospects, as well as with the considerations of objective well-being that I argue ground the moral obligation victims have to resist their own oppression. Tessman also contends, and I agree, that “some notion of flourishing” is implicit in the objective of political resistance; absent “some idea of what is a better and what is a worse life, there is no explanation of nor motivation for the commitment to change systems of oppression.”¹⁸⁷

If considerations of flourishing underlie resistance, how does oppression change the kinds of political actors that victims can and should be? Tessman is ultimately concerned with “the *selves* who endure and resist oppression and, in particular, with the way in which the devastating conditions confronted by these selves both limit and burden their moral goodness.”¹⁸⁸ It’s clear how the experience of oppression can directly inflict moral damage upon agents,¹⁸⁹ but Tessman identifies a second, and perhaps even more

¹⁸⁵ Lisa Tessman, *Burdened Virtues: Virtue Ethics for Liberatory Struggles* (New York: Oxford University Press, 2005), 4.

¹⁸⁶ *Ibid.*, 3.

¹⁸⁷ *Ibid.*, 3.

¹⁸⁸ *Ibid.*, 3. Original italics.

¹⁸⁹ “... the self under oppression can be morally damaged, prevented from developing or exercising some of the virtues. Viewing the phenomenon of moral damage through a virtue ethics lens reveals new depths of this damage. Moral damage occurs when there is a certain sort of a self that one ought to be, but the

troubling way in which oppression impedes flourishing. It's quite possible that engaging in effective resistance against oppressive circumstances will entail doing moral damage to oneself. The virtues of resistance, she claims, have "the unusual feature of being disjoined from their bearer's own flourishing."¹⁹⁰

To see why this may be the case, we need to ask which character traits could be recommended as virtues within the context of a liberatory political movement. The problem, according to Tessman, is that the character traits we're inclined to recommend "due to their efficacy for a politics of resistance ... forfeit their bearer's well-being because they are self-sacrificial or corrosive or crowd out the other valuable traits."¹⁹¹ Tessman's primary examples of efficacious but unfortunate character traits that politically virtuous agents must cultivate are "unrelenting anger or rage at injustice and a withholding of sympathy for the oppressors."¹⁹²

It's worth pausing to consider what these traits ultimately amount to, and how they differ from the standard Aristotelian understanding of anger as a dispositional response to injustice.¹⁹³ It's virtuous to feel anger in the face of injustice, and oppression certainly gives virtuous agents much to be angry about. The problem isn't that felt anger scales up in oppressive circumstances: of course it does. The problem with unrelenting, unsympathetic rage is that it goes beyond recommending a particular kind of response to

unconducive conditions of oppression bar one from cultivating this self. ... Moreover, if the virtues that are interfered with include those that could enable people to resist their own subordination, moral damage will actually help to sustain structures of oppression." Ibid., 4.

¹⁹⁰ Ibid., 4.

¹⁹¹ Ibid., 5.

¹⁹² Ibid., 165.

¹⁹³ I thank Cheshire Calhoun for urging me to consider this question.

suffered wrongs, and recommends in addition a pernicious, hardened way of regarding those who contribute to the wrong, are complicit in the wrong, and perhaps are indifferent to the wrong. It seems to me that what unrelenting rage and a withholding of sympathy have in common is that they leave little or no room for compassion, nor are they the kinds of traits that are normally conducive to taking restrained action against one's opponents.

As I'll argue later, resistance needs to be informed and tempered by a recognition of others as deserving a basic kind of equal regard, but a disposition to feel unrelenting, unsympathetic rage can prevent precisely that recognition. While a perfectly virtuous, practically wise actor could perhaps reconcile both dispositions, asking ordinary actors to do so isn't a psychologically realistic moral recommendation. Action-guiding theories are only useful if they speak to a range of different actors. And even the rare, practically wise agent capable of reconciling these dispositions would worry about the example she'd be setting for those who join her in resisting, and the indirect effect she'd thereby have on the common good.¹⁹⁴ I'll say more about these worries below. For now, I return to explicating Tessman's disjunctive account of political virtue.

It's not hard to establish why the disposition to feel unrelenting, unsympathetic rage is unlikely to be conducive to living a flourishing life. Rosalind Hursthouse describes the relationship between the virtues and flourishing by reference to three features: the virtues benefit their possessor, the virtues make their possessor a good human being, and the preceding two features are in some way interrelated.¹⁹⁵ A

¹⁹⁴ Aristotle frequently points to the concern exemplars would have about their own example, and this strikes me as an apt case for such concern.

¹⁹⁵ Rosalind Hursthouse, *On Virtue Ethics* (USA: Oxford University Press, 2002), 167.

disposition to feel unsympathetic rage neither enables an individual to live well nor singles out that individual as a praiseworthy exemplar of humanity. Given that the virtues are supposed to be constitutive of flourishing, it profoundly disturbs a eudaimonist framework to suggest that the virtues might not only require that agents engage in morally problematic conduct, but that they willingly “develop a morally problematic character”.¹⁹⁶

Virtuous agents are burdened by oppressive circumstances in part because conditions and context recommend hardening one’s dispositions by developing character traits that are arguably well-suited for active resistance but that are entirely unsuited for the living of flourishing lives. Specifically, the problem arises because trait guidance and trait assessment are forced out of alignment when it comes to virtuous activity in oppressive circumstances. As Tessman explains, we provide trait guidance when we determine that “trait *y* should be developed or maintained (thus one might say, ‘be *y*’ or ‘be a *y* person’: for instance, ‘be enraged’ or ‘be a chronically furious person’ in the face of unrelenting injustice), but at the same time evaluate or assess *y* as a burdened virtue rather than as an unqualified virtue, since it interferes with one’s own flourishing.”¹⁹⁷

Tessman considers this tension inescapable because she understands resistance as a tragic dilemma: given the need for effective resistance, victims confront a normative situation that can only be responded to in ways that leave some ought unfulfilled. She’s here explicitly building on Hursthouse’s analysis of tragic dilemmas, where the actions a virtuous agent is forced to commit “fail to be good actions because the doing of them, no

¹⁹⁶ Tessman, *Burdened Virtues*, 5.

¹⁹⁷ *Ibid.*, 130n32. Original italics.

matter how unwillingly or involuntarily, mars or ruins a good life.”¹⁹⁸ Even though a virtuous agent acts *rightly* when she refuses to tolerate injustice, the moral remainder or cost of resistance—borne by others as well as herself—is high. If Tessman is correct in classifying resistance as a tragic dilemma where “bad” traits are considered virtuous because of their connection to liberatory struggles,¹⁹⁹ then this suggests that oppression-specific political virtue can only be exercised by dirty hands.²⁰⁰ This is why her account of political agency is disjunctive: individuals with the virtuous aim of eliminating oppression must transform themselves into the kind of political actors that would, in any other setting, be deemed vicious.

Given the disconnect between the virtues of resistance and one’s own flourishing, it’s fair to ask in what sense this account of political agency fits a eudaimonist framework at all. According to Tessman, there remains at least an instrumental connection between an oppression-specific virtue (such as unrelenting anger or a withholding of sympathy) and the good life: “even though it is not conducive to or constitutive of anyone’s flourishing at present ... it does, however, tend to enable its bearer to perform actions with the aim of eventually making flourishing lives more possible overall.”²⁰¹ The connection may be indirect and impersonal, but there is nonetheless a sense in which traits like unrelenting anger and the withholding of sympathy could promote flourishing.

¹⁹⁸ Hursthouse, *On Virtue Ethics*, 74.

¹⁹⁹ Tessman, *Burdened Virtues*, 130n32.

²⁰⁰ Tessman does identify two ways of displaying virtue under oppressive circumstances that, while still burdened, do not involve quite so dramatic a risk as sabotaging one’s ability to flourish. Neither of these virtues involve active resistance however, as they instead focus on living as best as one can in troubled times. As such they are not directly relevant for our purposes, as we’re concerned with *political* agency.

²⁰¹ *Ibid.*, 165.

Since oppression is being understood as a set of barriers to flourishing, aiming to remove those barriers by resisting oppression is done for the sake of flourishing. It is thus the aim of resistance that makes the hardened dispositions politically virtuous.

By implication then, I take it that politically virtuous agents in oppressive circumstances must aim not only to resist oppression, but to do so in a way that facilitates the emergence of what I'll call *flourishing-apt societies*: post-resistance circumstances lacking systematic social barriers to flourishing. This refinement is necessary in order to distinguish acts of resistance simpliciter from acts of virtuous resistance, with the relevant difference being that virtuous resistance is motivated by, and in line with, the aim of realizing a flourish-apt society. I suggest that any oppression-sensitive account of political virtue, be it disjunctive or unified, must pass this "flourishing apt" test, and that accounts unable to do so fail to describe politically virtuous agents. Responding to injustice might be sufficient to make an agent righteous, but only responding to injustice in the right ways and for the right reasons makes an agent virtuous.

Does cultivating the burdened virtues, including dispositions to feel unrelenting rage and to withhold sympathy, facilitate the emergence of flourishing-apt societies? If not, then the cultivation of such dispositions isn't politically *virtuous* at all, and is instead a merely expedient political *tactic*. I contend that the burdened virtues fail this test, and they do so in a way that raises general doubts about the tenability of disjunctive accounts of political agency.

The path to political virtue doesn't route through the embrace of morally problematic yet potentially expedient tactics. An oppressed individual concerned with

being a good political actor shouldn't cultivate a disposition to feel unrelenting rage when confronted with injustice, nor should she make a habit of withholding sympathy from her opponents, regardless of how unsympathetic their own views and actions have made them. Why? Put simply, dirty hands tend to remain dirty.

Dispositions are not easily undone; conditioning is, by its very nature, stable. We need to take account of the strong possibility that whatever dispositions are cultivated in order to resist oppression will likely linger long after the resistance movement has succeeded and formerly-oppressed persons have begun participating in social and political life. Since we're interested in what virtues facilitate the emergence of flourishing-apt societies, when providing guidance with respect to trait cultivation we must consider the period of time immediately after the successful resistance, not just the period of time during which resistance is ongoing. Tessman's scope is improperly narrow. The inherently destructive nature of the burdened virtues will likely predispose political actors to rule as destructively as they once resisted, setting the tone for the newly emergent political culture. These are possibilities that practically wise actors must consider, and exhibiting practical wisdom is necessary under a eudaimonist account of virtuous activity.

Importantly, for circumstances to be characterized as flourishing apt, there must be an absence of systematic social barriers to everyone's flourishing, not just a newfound absence of barriers for the former victims. Disenfranchising or otherwise subjugating one's former oppressors isn't politically virtuous, since barriers to flourishing are ultimately preserved in such a society. Politically virtuous resistance aims at ending

oppression, not just at ending the oppression of a particular group. Simply reversing roles once political power is seized is inconsistent with the aims of politically virtuous resistance. The assumptions, attitudes, dispositions, outlooks, and norms that contribute to oppression must be recognized, examined, and rejected in favor of those that instead contribute to relationships of equality and respect.

This isn't to say that punishing the worst offenders is incompatible with the aim of realizing a flourishing-apt society: indeed, holding agents accountable for injustice may well be an essential feature of flourishing-apt societies. But holding agents accountable isn't the same as withholding sympathy. Practical wisdom consists in deliberating about what is good for oneself as well as what is good for people in general, and retribution sought by those with hardened dispositions is likely to be driven in part by misconceptions about the range, targets, and kinds of retribution that are actually good for people. Similarly, agents who feel unrelenting, unsympathetic rage are unlikely to select or even consider more inclusive, flourishing-apt practices such as reconciliation, which will make it harder for the political community and its members to process and repair wrongs, establish dialogue and mutual trust, and forge healthy, future-oriented relationships.²⁰²

I contend that a politically virtuous actor would limit herself to dispositions and tactics that are conducive to the emergence of genuinely flourishing-apt circumstances for all, and while it's at least possible that those with hardened dispositions can establish

²⁰² I regret that I lack the space in this chapter to take up a more sustained investigation of reconciliation. For an excellent treatment of the subject, see: Colleen Murphy, *A Moral Theory of Political Reconciliation* (Cambridge University Press, 2010).

a praiseworthy new era, accounts of action and trait guidance cannot depend on such a miracle.

Tessman acknowledges that there are at least two ways in which “the angers of political resistance may go wrong: such anger might be mistargeted at allies or it might be excessive in degree.”²⁰³ It’s instructive to note that although Tessman considers hardened dispositions such as unrelenting, unsympathetic rage effective for engaging in acts of resistance—and therefore recommendable from a virtue standpoint—she refrains from endorsing such dispositions or the violent tactics that can too easily follow. Commenting on the American Civil Rights Movement, she concedes that “some resistance movements have refused in a principled way to embrace acts or traits that create an inconsistency between their means and their ends: they reject those traits that, apart from the circumstances, would have no place in a flourishing life.”²⁰⁴ We can call this the distinction between ends-consistent and ends-inconsistent virtues.

Despite this concession, Tessman professes a disinterest in trying to determine the relative efficacy of ends-consistent and ends-inconsistent virtues when it comes to halting oppression.²⁰⁵ She writes:

It is not my intent here to enter into—and certainly not to settle—the question of whether liberatory goals are best achieved through a commitment to nonviolence and related virtues, or through a readiness to violence. Nor will I try to determine the relative efficacy of ending oppression through negotiation and communication with dominators—requiring virtues like compassionate understanding—or through separation and a refusal to cooperate with existing structures—requiring a stance of oppositional anger or at least indifference toward the dominant group.²⁰⁶

²⁰³ Tessman, *Burdened Virtues*, 120.

²⁰⁴ *Ibid.*, 113.

²⁰⁵ *Ibid.*, 113.

²⁰⁶ *Ibid.*, 113.

I contend that Tessman is mistaken to avoid these questions, as it's only by comparing the different types of resistance that we can understand why traits recommended for cultivation in oppressive circumstances only, such as unrelenting rage and a withholding of sympathy, will reliably fail to facilitate the emergence of flourishing-apt societies, and why, in turn, those traits have no place in an account of the kind of political actors victims of oppression should be.

Of course, the above criticisms of disjunctive agency are moot unless we can locate an account of political agency that's both [a] applicable to oppressive as well as post-oppressive circumstances, and that's [b] conducive to engaging in a range of effective resistance in oppressive circumstances, up to and including civil disobedience. I suggest that Aristotle's account of political agency, suitably developed, can meet both of these requirements.

5.3 Adapting Aristotelian Political Virtue

In book three of the *Politics*, Aristotle calls the capacity to rule and be ruled praiseworthy; indeed, "being able to do both well is held to be the virtue of a good citizen."²⁰⁷ Adapting Aristotle's account of political agency runs into immediate trouble on this point, as Aristotle famously deems entire social groups ineligible for reasons that we could not today endorse, and would in fact consider oppressive. I see this as a problem for Aristotle, but not as a problem for an Aristotelian account. We can adjust

²⁰⁷ Aristotle, *Politics*, trans. C.D.C Reeve (Indianapolis: Hackett, 1998), III.4, 1277^A: 25f.

who counts as a citizen without fundamentally changing our understanding of what we should *expect of* citizens. And Aristotle's practical definition of the citizen leaves room for precisely this kind of change. He identifies a citizen as "someone who is eligible to participate in deliberative and judicial office" within a given political community.²⁰⁸ In a discussion of oppression, I assume it's uncontroversial to stipulate that morally arbitrary features of persons, such as one's sex, shouldn't render a person ineligible to participate in political institutions.

According to Aristotle, two features of the best constitution (i.e. politically organized community) are that all citizens have a chance to exercise political power and that all citizens "deliberately choose to be ruled and to rule with an eye to the virtuous life."²⁰⁹ But what exactly does exhibiting the virtue of "ruling and being ruled" involve? What must a political actor be like in order to have this virtue?

First, we should avoid reading the virtue of ruling and being ruled as the conjunction of active political duties and passive political duties. Aristotle's conception of political virtue isn't exhausted by, for instance, giving a speech and paying taxes on the same day. While the politically virtuous agent will certainly show fidelity to both active and passive political duties, what *makes* her politically virtuous isn't the comprehensiveness of her civic performance. Being politically virtuous requires that one come to appreciate a particular insight gained from the dual experiences of ruling and being ruled, namely that there's no difference in moral status between those who are ruled and those who do the ruling. Aristotle states that "among those who are similar,

²⁰⁸ Ibid., III.1, 1275^B: 17f.

²⁰⁹ Ibid., III.13, 1283^B: 41-1284^A: 3.

ruling and being ruled in turn is just and noble, since this is equal or similar treatment. But unequal shares for equals or dissimilar ones for similars is contrary to nature; and nothing contrary to nature is noble.”²¹⁰

Moral equality is central to the account; in the *Politics* Aristotle repeatedly distinguishes the kind of ruling that takes place between a master and a slave from the kind of ruling that takes place between citizens. In book one he states that the “rule of a master is not the same as rule of a statesman ... rule of a statesman is rule over people who are free and equal.”²¹¹ From book seven, we see that “it is wrong to consider that every kind of rule is rule by a master. For the difference between rule over free people and over slaves is no smaller than the difference between being naturally free and being a natural slave.”²¹² And in book three, Aristotle specifically identifies rulership over free persons as the properly political variety of rulership: “But there is also a kind of rule exercised over those who are similar in birth and free. This we call ‘political’ rule.”²¹³ Again, we must take a more inclusive reading of “similar in birth and free” than did Aristotle himself, but the underlying idea is that any exercise of power that fails to respect the equal moral status of one’s fellow citizens is politically vicious.

In short, citizens exhibit political virtue when they learn to exercise political authority over each other without presupposing or creating moral hierarchies. Rosler casts the problem of unequal regard in terms of unfair shares of political authority, writing that since “what is unnatural and harmful is evidently to be rejected, an unnatural

²¹⁰ Ibid., VII.3, 1325^B: 6-10.

²¹¹ Ibid., I.7, 1255^B: 15-20.

²¹² Ibid., VII.3, 1325^A: 27-29.

²¹³ Ibid., III.4, 1277^B: 7f.

and harmful arrangement—i.e. the arrangement according to which a person or a group of persons have more than their fair share in the community—must be rejected.”²¹⁴ So while there is such a thing as the virtuous rule of those who are unequal (a modern and less unpalatable example might be the parent/child relationship), whatever virtue is displayed by a ‘good master’ is not the same virtue that we expect good political actors to cultivate. Citizens can only be said to have political virtue when they regard each other as equals, or in other words, when they learn how to claim and exercise political authority over others without presupposing or creating moral hierarchies amongst themselves. Even in the liberal societies of today, the degree of restraint required to be fully virtuous in this sense is probably as rare as it is admirable.

Although I take it the above passages establish that political actors indifferent to the equal moral status of others are not politically virtuous, what hasn’t yet been explained is why equal regard plays such a central role. While citizens who display equal regard might be thought to be especially noble, why hold that equal regard is necessary for political virtue, let alone make the much stronger claim that equal regard essentially *is* political virtue? Aren’t other dispositions more important, including perhaps the dispositions to rule justly, benevolently, or effectively?

Crucially, equal regard is more than a noble perspective one might have about the relationships one bears to others. Attitudes, for Aristotle, aren’t causally inert. It gets the order of explanation wrong to say that a fully just political actor will come to see other citizens as her moral equals. Cultivating equal regard, or the disposition to respect the

²¹⁴ Rosler, *Political Authority and Obligation in Aristotle*, 243.

equal moral status of others, is what disposes citizens to rule one another justly. The absence of equal regard is a recipe for injustice. In a passage discussing happiness in the city-state, Aristotle observes that “many seem to think that statesmanship is the same as mastership, and what they all say is unjust or nonbeneficial when it is done to them, they are not ashamed to do to others. For they seek just rule for themselves, but pay no attention to justice in their dealings with others.”²¹⁵ We should expect insensitivity to equal moral status to inevitably lead to the exclusion, from political consideration, of the interests of those being ruled.

Neglecting the interests of those being ruled runs afoul of the most fundamental distinction Aristotle draws between ideal and aberrant political societies. In book three he asserts that “those constitutions that look to the common benefit turn out, according to what is unqualifiedly just, to be correct, whereas those which look only to the benefit of the rulers are mistaken and are deviations from the correct constitutions. For they are like rule by a master, whereas a city-state is a community of free people.”²¹⁶ Tellingly, the above description of a political actor without equal regard is not so far away from the language Aristotle uses to condemn the tyrant, which Rosler abridges as follows: “The tyrant is a man without law who rules by force over unwilling subjects—his rule is not exercised in his subjects’ interest but for his own sake.”²¹⁷

We’re now in a position to fully characterize the Aristotelian political virtue of ruling and being ruled. As the politically virtuous agent participates in public life, she

²¹⁵ Aristotle, *Politics*, VII.2, 1324^B: 31-36.

²¹⁶ *Ibid.*, III.6, 1279^A: 15-21

²¹⁷ Rosler, *Political Authority and Obligation in Aristotle*, 241.

does so with a restraint born of equal regard, never presuming the sort of political authority that would undermine the status of others as persons no less free than her and never disregarding their interests in the single-minded pursuit of her own. For a political community to last, and for its institutions to remain just in the sense of giving the same to those who are alike, Aristotle believes that it's "necessary for all to share alike in ruling and being ruled in turn."²¹⁸ And as was previously stated, this capacity for equal regard stems from the dual experiences of ruling and being ruled, or as Aristotle puts it, knowing "the rule of free people from both sides".²¹⁹ Call this the experiential component.

Aristotle explains the necessity of the experiential component in book three, immediately after his claim that political rulership refers exclusively to the rule exercised over those who are free and equal:

A ruler must learn [how to rule] by being ruled, just as one learns to be a cavalry commander by serving under a cavalry commander, or to be a general by serving under a general, or under a major or a company commander to learn to occupy the office. Hence this too is rightly said, that one cannot rule well without having been ruled. And whereas the virtues of these *are* different, a good citizen must have the knowledge and ability both to be ruled and to rule, and this is the virtue of a citizen, to know the rule of free people from both sides.²²⁰

While it's clear how experiencing "the rule of free people from both sides" would both train and dispose political agents to act justly, the experiential component seemingly gives us a reason to doubt the general applicability of this political virtue to victims of oppression. How can individuals caught in oppressive circumstances possibly display the virtue of ruling and being ruled if they lack appropriate experiences of both sorts? In

²¹⁸ Aristotle, *Politics*, VII.14, 1332^B: 25-27.

²¹⁹ *Ibid.*, III.4, 1277^B: 16.

²²⁰ *Ibid.*, III.4, 1277^B: 8-16. Original italics.

fact, we could even go so far as to say that this twofold privation is what marks their circumstances as oppressive to begin with.

The first missing experience, being ruled in a just way, calls into question how oppressed persons can come to appreciate what political virtue is, since they've been habituated in a climate that inhibits moral development. Julia Annas, when discussing Aristotle's exclusion of "vulgar craftsmen" from citizenship, writes that:

The aspirant to virtue must begin by copying certain models in his society. If the models of action that he starts by emulating embody wrong ideals, then he lacks the starting-point from which to develop the right ideals ... if our society is one in which there is a systematically perverted conception of justice, then we will acquire habits of acting and thinking which will make it difficult, perhaps impossible, to acquire a good understanding of justice and its requirements.²²¹

As Rosalind Hursthouse flatly confirms in her discussion of the young, "moral knowledge, unlike mathematical knowledge, cannot be acquired merely by attending lectures."²²² The key notion here is that displaying virtue, including the political virtue of ruling and being ruled, requires the kind of knowledge that is developed through observation and direct experience, in part because discerning moral judgment can only be developed with practice. And if experience matters, then it's certainly plausible to worry that an oppressive environment isn't the place to learn political virtue.²²³

Second, even if it's possible to cultivate equal regard in oppressive circumstances, oppressed persons are typically either partially or entirely disenfranchised, either directly through legal constraints on participation or indirectly through social coercion, chilling

²²¹ Julia Annas, "Aristotle on Human Nature and Political Virtue," *The Review of Metaphysics* 49, no. 4 (1996): 745f.

²²² Hursthouse, *On Virtue Ethics*, 59.

²²³ There's something to the notion that nothing teaches the value of a thing like the absence of that thing, but defending the applicability of Aristotelian political virtue to victims requires more than this aphorism.

effects, and simple disregard. So how can victims of oppression genuinely take part in rulership, especially when those they seek to rule claim and enforce an unequal moral status for themselves? And if cultivating the virtue of ruling and being ruled requires experiencing rulership firsthand, how can Aristotelian political virtue be applicable to most victims of oppression, let alone capture the kind of political actors that victims have a duty to be? On the basic assumption that ought implies can, the apparent absence of the dual experiences necessary for Aristotelian political virtue seemingly prevents us from ascribing to victims an obligation to cultivate and display the virtue of ruling and being ruled.

I believe there's an adequate response to this objection, and it involves demonstrating that nonviolent civil disobedience can actually be construed as an example of ruling and being ruled, complete with the twofold experiential component of observing models of just activity and participating politically oneself. This demonstration is a necessary step in adapting Aristotle's account of political virtue to oppressive circumstances. Note that by focusing on nonviolent civil disobedience, I don't mean to suggest that less disruptive or coercive means will fail to realize the virtue of ruling and being ruled, or that it's necessary to break the law in order to effectively resist injustice. My reason for running through the demonstration with this tactic in particular is to satisfy the concern that Aristotelian political virtue would take too much off the table to provide a suitably effective account of virtuous resistance.

I'll argue that nonviolent civil disobedience is effective and practically wise, and observe that the character traits and dispositions underlying civil disobedience are

politically virtuous in precisely the ways recommended by my developed Aristotelian account. This in turn will shed light on the fundamental similarity between good political actors in just circumstances and good political actors in oppressive circumstances: namely, their shared aim of creating and supporting just institutions that help people lead flourishing lives. The only difference is that citizens in just societies realize the Aristotelian political aim and exercise the Aristotelian political virtue by participating in political institutions, whereas victims in oppressive societies do so by resisting oppression in nonviolent and ultimately reconciliatory ways.

5.4. The Experiences and Aims of Nonviolent Civil Disobedience

A clarification before continuing. While I'm concerned with demonstrating that nonviolence is a politically virtuous tactic, my target in what follows is not violence as a tactic *per se*,²²⁴ but rather the tactical decisions that are likely to be made by actors with hardened dispositions, and whether those decisions are likely to be in line with the aim of ending oppression for all. In other words, it's still about which traits and dispositions are most compatible with the emergence of a flourishing-apt society. Assuming there are times when violence is absolutely necessary to resist oppression, there's reason to believe that violence undertaken by those lacking hardened dispositions is still far more likely to be compatible with the emergence of flourishing-apt societies than violence undertaken by those with hardened dispositions. There's an analogue here to the earlier example of

²²⁴ I thank Thomas Christiano for pushing me to clarify this point.

punishment. While reconciliation may in many cases be preferable to retributive punishment, punishment undertaken by those lacking hardened dispositions is far more likely to be compatible with the emergence of flourishing-apt societies than punishment undertaken by those with hardened dispositions.

We've already touched briefly on the comparative merits of nonviolent civil disobedience. Since non-violence civil disobedience is ends-consistent, and avoids hardened traits and dispositions such as unrelenting rage and the withholding of sympathy, it's more conducive to the creation and maintenance of flourishing-apt societies. Hardened character traits have a tendency to linger beyond their immediate usefulness to a resistance movement, and can dispose the individuals that have them to see their future political opponents as enemies, or worse, as mere obstacles. An indifference to the interests of others leads to tyranny, not to the emergency of a flourishing-apt society. Cultivating hardened dispositions creates a very real possibility that violence will be accepted not only as a tool of resistance, but as a tool of ordinary politics as well. It's *prima facie* evident that this risk, if at all likely, gives practically wise actors reason to resist in the same manner that they hope to one day rule: to, in other words, cultivate the same traits and dispositions, and adopt the same aims, that they would cultivate and adopt if they'd never found themselves in oppressive circumstances. This is the core premise underlying unified accounts of political agency.

If we assume that unrelenting rage and the withholding of sympathy can dispose victims to engage in violent resistance, then it matters how large the risk of post-resistance oppression being perpetrated by former victims actually is. In their empirical

case study of 20th century resistance movements, Peter Ackerman and Jack DuVall argue that “never in the postwar period did a military insurrection or violent coup extend freedom to the people in whose name power was taken.”²²⁵ They consider at length the myth that “convulsive violence [is] the handmaiden of removing oppressors,” a belief that they characterize as pernicious if persuasive.²²⁶ They conclude that the “twentieth century’s avatars of violence never developed a systematic understanding of how their chosen actions—firefights, bombings, street battles, or terror—were supposed to replace old forms of authority with new opportunities for freedom.”²²⁷ There’s an empirically supported relationship between “the way a nation overcomes authoritarian or outside rule and its ability to sustain civil society and democracy” thereafter.²²⁸

So while violence can obviously produce regime change or topple oppressors from positions of power and influence, doing so isn’t sufficient to make violent resistance politically virtuous. Even if violent resistance were invariably successful at ending the oppression of the resisting group, the tendency of such revolutions to themselves descend into chaos and despair, or at the very least to fail to protect rights and promote liberal institutions, should dispel the notion that victims have a duty to be the kinds of political actors that allow²²⁹ or train themselves to feel unrelenting rage or to withhold sympathy. Again, the goal is the emergence of a flourishing-apt society.

²²⁵ Peter Ackerman and Jack DuVall, *A Force More Powerful: A Century of Non-violent Conflict* (New York: Palgrave Macmillan, 2000), 459.

²²⁶ *Ibid.*, 458.

²²⁷ *Ibid.*, 459.

²²⁸ *Ibid.*, 491.

²²⁹ While this might sound like the very definition of “easier said than done,” note that the difficulty of controlling one’s emotional response to oppression isn’t necessarily an argument against so characterizing what’s involved in being a good political actor. It may simply point to yet another burden that victims of

The reason why the traits and dispositions underlying nonviolent resistance reliably facilitate the emergence of flourishing-apt societies is that those same traits are equally suited to sustaining civil society and democracy. When nonviolent action is adopted as a resistance tactic, those resisting “have to develop abilities and exemplify the spirit that are later critical in governing: empowering individuals to take public action, building consensus on behalf of common objectives, and insisting that laws and leaders derive from the people’s consent. Nonviolent power becomes not only the means of achieving change; it becomes the first line of defense for a society’s most sacred values.”²³⁰ And when such movements have succeeded, the “elements of democratic skill could easily be discerned: building coalitions, leading by persuasion rather than fiat, and creating civic space through private action regardless of state approval.”²³¹

If this characterization is correct, then practically wise agents should aspire to be the kinds of political actors that cultivate the traits and dispositions most conducive to nonviolent civil disobedience, as nonviolent civil disobedience meets the test of political virtue: it recommends the kinds of acts that are conducive to eliminating rather than trading barriers to flourishing. Importantly, what I’m suggesting here isn’t just that nonviolent civil disobedience can be considered politically virtuous. That’s certainly not an original claim. What I mean to demonstrate is that nonviolent civil disobedience can be considered politically virtuous in the Aristotelian sense. Those who engage in

oppression endure: it can be harder for them to cultivate and exercise political virtue. That gives us one more reason to loathe oppression, but it’s not a reason to redefine the kind of virtue to which agents should aspire.

²³⁰ Ibid., 491.

²³¹ Ibid., 504.

nonviolent civil disobedience reflectively—meaning for the right reasons—are exercising the virtue of ruling and being ruled.

In both just and oppressive circumstances, agents displaying Aristotelian political virtue exhibit a willingness to compromise with their opponents instead of dominating them, they rely on persuasion instead of the unilateral or even violent imposition of their will, and so on. An individual engaged in nonviolent resistance is not only participating in public life, but she's doing so with a restraint born of equal regard, never presuming the sort of political authority that would undermine the status of others as persons no less free than her. The same is true for citizens in ideally functioning, just political communities. And while a victim engaged in politically virtuous resistance *is* willing to disregard some of the interests of her oppressors, namely those interests satisfied by her ongoing oppression, disregarding those and only those interests isn't politically vicious. Quite the opposite. As we stipulated at the outset, politically virtuous agents have a duty not to be compliant or complicit in the face of injustice.

Let's return now to the twofold objection involving the experiential components of ruling and being ruled. First, involvement with nonviolent movements provides the aspirant to political virtue with suitable models of politically virtuous agency. While society as a whole may be saturated with oppressive norms and practices, the traits, dispositions, and aims of agents reflectively engaged in nonviolent civil disobedience are worthy of emulation. As soon as we grant that the kind of agency on display in reflective nonviolent civil disobedience is the same kind of agency that informs Aristotelian political virtue, the worry about absent exemplars of virtues is undermined. Certain kinds

of resistance movements provide an environment for moral learning, which strengthens both the obligation of victims to resist, as well as the obligation of those engaged in resistance to do so nonviolently.

We can address the second half of the experiential objection—that victims often don't have an opportunity to participate politically in oppressive circumstances—by distinguishing between political power and institutional power. If we limit the domain of ruling and being ruled such that an individual only engages in rulership when she participates in regime-sanctioned civil institutions, then yes, oppressed persons are often unable to cultivate and exercise Aristotelian political virtue. But there isn't much reason to restrict our understanding of political activity to legally prescribed forms of participation. As Bhikhu Parekh observes, “Rebellion, revolution and civil disobedience are also political activities. While at one level they signify the breakdown of normal politics, at another level they reflect an attempt to expand, deepen and reconstitute its basis and parameters.”²³² A campaign of nonviolent civil disobedience might not topple oppressors from power and influence immediately, but as Ackerman and DuVall observe, “it does the work of democracy before democracy can open for business ... When the control of public life moves from the palace to the people, the location of a nation's sovereignty moves with it.”²³³

As for the “being ruled” component of ruling and being ruled, when those engaged in nonviolent civil disobedience are willing to be arrested for their defiance of

²³² Bhikhu Parekh, “A Misconceived Discourse on Political Obligation,” *Political Studies* 41 (1993): 244.

²³³ Ackerman and Duvall, *A Force More Powerful*, 503f.

particular laws or institutions specifically *because* they respect the rights of the political community as a whole, they straightforwardly display Aristotelian political virtue.

If political power is exercised in acts of resistance aimed at facilitating the emergence of flourishing-apt societies, then Aristotelian political virtue can indeed be exercised in oppressive circumstances. And since Aristotelian political virtue does facilitate the emergence of flourishing-apt societies, it should be exercised in oppressive circumstances.

Understanding nonviolent civil disobedience as an act of rulership sheds light on the fundamental similarity between good political actors in just circumstances and good political actors in oppressive circumstances. What allows us to claim a unified account of political agency isn't just the wide applicability of the virtue of ruling and being ruled. Rather, we can attribute to actors in both kinds of circumstances a fundamentally Aristotelian aim: to create and support just institutions that help people lead flourishing lives. The only difference is that citizens in just societies realize the Aristotelian political aim and exercise the Aristotelian political virtue by participating in political institutions, whereas victims in oppressive societies do so by resisting oppression in nonviolent and ultimately reconciliatory ways.

By emphasizing the aim common to politically virtuous victims and politically virtuous citizens, we can complete the picture of what good Aristotelian agency consists in. I contend that political agency, for Aristotle, is a combination of cultivating and exercising the virtue of ruling and being ruled, aiming at the flourishing of all, and having the practical wisdom to know what kinds of acts accomplish that aim.

In book ten, chapter nine of *Nicomachean Ethics*, Aristotle argues that we discern the purpose of political activity when we realize that philosophical arguments aren't sufficient to cultivate virtue and make people good.²³⁴ Aristotle discusses how the masses, and especially youth, don't naturally find it pleasant to live temperately, so "their upbringing and pursuits should be regulated by laws."²³⁵ And it's not enough that the young be reared under the right laws, "because they must continue to practise and develop their habits when they are grown up," so "we shall need laws for this as well, and generally for the whole of life."²³⁶ This is why, for Aristotle, the role of legislators is to "urge people to virtue and encourage them to act for the sake of what is noble," and to punish those who reveal deficiencies of moral character.²³⁷ Performing this task requires that one understand the science of politics, be aware of what laws and practices cause some communities to be run well and others to be run badly, and be able to judge which laws and political systems suit particular circumstances.²³⁸ Experience ruling and being ruled is also essential, as experience is the source of correct judgment: "it is people experienced in any area who judge its products correctly, and understand by what means and how they are accomplished, and what is in harmony with what."²³⁹

For Aristotle, the purpose of political activity is, not surprisingly, strongly perfectionist. While many might recoil at the idea that the role of political actors is to make people good, I suspect the account becomes much more palatable once we widen

²³⁴ Aristotle, *Nicomachean Ethics*, X.9, 1179^B: 3-19.

²³⁵ *Ibid.*, X.9, 1179^B: 34-40.

²³⁶ *Ibid.*, X.9, 1180^A: 1-5.

²³⁷ *Ibid.*, X.9, 1180^A: 8-13.

²³⁸ *Ibid.*, X.9, 1181^B: 18-23, 7-10.

²³⁹ *Ibid.*, X.9, 1181^A: 36-39.

the scope of political activity beyond wielding legislative and coercive power, and include the kinds of non-institutional acts and practices that characterize resistance to oppression. Likewise, the ideal of making people good through political activity can be softened, so that it simply means removing barriers to flourishing and promoting the kinds of institutions that help (but do not force) people to flourish by their own efforts.

Aristotle emphasizes that political activity is essentially caring about how the lives of others go, and what kinds of pursuits they are able to undertake. A political actor will be best “able to do this if he has the chance of legislating, because care at the public level is evidently demonstrated through laws, and good care through good laws.”²⁴⁰ If this isn’t possible, then a good political actor focuses on helping family and friends on the way to virtue, or at least helping them to choose to do so.²⁴¹ It’s a person’s concern for others that gives him reason to “try to develop a capacity for legislating,”²⁴² or in our wider sense, to cultivate a capacity for informal political action in the kinds of circumstances where legislating isn’t suitable or possible. If caring is a perfectionist aim, then the more oppressive circumstances become, the more benign the aim becomes.

Extending the aim of Aristotelian legislators to those engaged in acts of resistance requires demonstrating two points. First, that the aim of good political actors in oppressive circumstances is to help people flourish, same as in more ideal circumstances. Second, that practical wisdom suggests nonviolent civil disobedience as the best and most suitable means to achieve that aim in the particular circumstances of oppression.

²⁴⁰ Ibid., X.9, 1180^A: 38-40.

²⁴¹ Ibid., X.9, 1180^A: 34-37.

²⁴² Ibid., X.9, 1180^B: 27-30.

Tessman has already done much of the work of showing the first point: resisting oppression aims at improving the lives of the oppressed, and as I've added, protecting those who've benefitted from oppression or contributed to it from becoming victims of oppression themselves.²⁴³ As for the second point, we've seen that the oppressed won't always have opportunities to take part in legislation or other forms of institutional participation, and that when they don't, engaging in certain kinds of resistance is effective at facilitating the emergence of flourishing-apt societies.

Taken together, we get the idea that while resistance simpliciter doesn't necessarily match the aim of Aristotelian political activity, reflective nonviolent civil disobedience does. The difference between just and deviant constitutions—whether they promote the interests of all or the interests of some—can help us distinguish between virtuous and non-virtuous resistance. Virtuous resistance aims at removing barriers to flourishing for all. Non-virtuous resistance aims at removing barriers of flourishing for some at the expense of others, or without paying sufficient attention to the effects the chosen tactics will have on others. Likewise, practically wise resistance involves considering whether the character traits and dispositions being cultivated during resistance are appropriate in post-resistance societies, whereas resistance that isn't practically wise recommends cultivating hardened traits and dispositions that can cause periods of resistance to be followed by new patterns of oppression.

²⁴³ This aim is compatible with holding that, for example, the leaders or architects of oppressive systems should be punished. There's a difference between retaliation and holding agents accountable, and presumably virtuous actors aim at the latter while aiming to avoid the former. And as I established in chapter one, punishment proportionate to one's crimes isn't oppressive.

I've argued that while oppressive circumstances change what a good political actor *does*, namely resisting rather than legislating, confronting oppressive circumstances doesn't have to change the kind of political actor that a victim *can and should be*. A developed form of Aristotle's account of good political agency can provide trait and action guidance as well as assessment across political circumstances.

5.5. Caveats About Nonviolent Civil Disobedience

I'd like to close with some caveats about nonviolent civil disobedience in order to address concerns that are often raised about the tactic itself.

First, a commitment to nonviolence is not the same as pacifism. Indeed, nonviolence is compatible with an unqualified right to self-defense. Some injustices go beyond mere oppression. If a state seeks to wipe out an entire people, those individuals need not concern themselves with the kind of political actors they should aspire to be. I believe that the demands of political virtue are rightly suspended in a fight for one's very survival.

Now, that isn't at all the same as saying that nonviolent campaigns automatically buckle when they face violent reprisals. Quite often, liberation is furthered by the exhibition of moral integrity despite the excessiveness of the state's response.²⁴⁴ Allowing the privileged, unaffected majority to glimpse a resisting victim atop the moral

²⁴⁴ As Tessman herself acknowledges on *Burdened Virtues*, 113.

high ground can undermine the consent enjoyed by an oppressive regime, as well as undermine the support of oppressive norms and practices.

As the 20th century repeatedly revealed, when consent begins to evaporate, increasingly the only way for an oppressive body to maintain control is through the use of force, a strategy that is unlikely to endear it greatly to the bulk of its citizens—let alone those soldiers ordered to fire upon their friends and neighbors. When the oppressed have instead chosen to respond to violence with violence, regimes have successfully painted them as domestic terrorists, entrenching rather than weakening the majority's inclination to consent. As Cudd observes, “unsuccessful violent resistance can be seen by the privileged as even justifying the oppressive treatment by those in power.”²⁴⁵ After all, repressive and non-repressive regimes alike have a duty to protect innocent civilians from violence and to prosecute those actors who commit it, a duty that remains when the violence is politically motivated and arguably righteous.

Next, and quite importantly, civil disobedience can be a viable strategy even when the brutality of the government is truly monstrous to behold. It's worth noting that nonviolence was at times effective at thwarting Nazi Germany. Ackerman and DuVall recount a protest by the German wives of Jewish men that accomplished the seemingly impossible:

On the Rosenstrasse in 1943, in the center of the century's greatest cyclone of killing, the violence that could have been visited on protesting German women and on [the] almost 2,000 Jews [married to those German women] was neutralized by a few hundred wives who refused to go home. The Nazis' will to violence was notorious. But superiority of military force did not make them invulnerable: They were frightened of protest at the seat of their power, and the

²⁴⁵ Cudd, *Analyzing Oppression*, 208.

potential cost of suppressing it with violence—while trifling in blood and time—was politically too high to pay. So the evil they embodied was, in that place and at that moment, impotent.²⁴⁶

Ultimately, Goebbels decided to release the Jewish men being held, and even ordered that the two dozen who had already been sent to Auschwitz be returned to their families. There are in fact many examples of successful, nonviolent resistance to the Nazis, ranging from the personal to widespread noncompliance—including but not limited to the famous Danish resistance movement.

The above does trigger another caveat, however. For every Rosenstrasse, there are many more examples like Sophie Scholl and the White Rose. I don't mean to suggest that nonviolence is always successful, or even that nonviolence is more likely to bring about change than is violence. The empirical and conceptual position I've taken is that a post-resistance society is far more likely to be flourishing apt when nonviolent tactics are successfully employed than when violent tactics are successfully employed.

Lastly, while I've hopefully demonstrated that engaging in nonviolent civil disobedience is politically virtuous, that by itself doesn't rule out the possibility that political violence can sometimes be permissible. Addressing the question of how and when violent resistance can be justified is the next step in my wider research project on oppression.

²⁴⁶ Ackerman and DuVall, *A Force More Powerful*, 239.

CONCLUSION

My aim in this dissertation was to answer two related questions. First, what makes someone a victim of oppression? And second, how should victims respond to being oppressed? While these questions have fascinated me for the last few years, they aren't the questions that I originally set out to answer. Rather than providing a chapter-by-chapter summary of my major arguments and contributions, I'd like to conclude by talking about how this research project developed, why I came to ask the questions that I do, and where I plan to take the project next.

I started out curious about whether the political obligation to obey the state could be reconciled with the obligation to resist one's oppression. This topic eventually fell out of my discussion, not because it wasn't important, but because I became distracted by a more fundamental issue: what kind of political actors should victims of oppression strive to be? Resistance, after all, is more than righteous obstruction. Resistance is an attempt to realize a vision of justice glimpsed from non-ideal circumstances. It raises questions about virtuous aims, and which traits and tactics are compatible with those aims. It raises questions about the kinds of characters that need preserving, and the kinds of relationships that are worth preserving. I came to argue that the aim of virtuous resistance goes beyond mere opposition to particular ongoing burdens. The aim of virtuous resistance is to end oppression, to create and maintain post-oppression societies. This requires cultivating character traits that enable victims to engage in resistance while

still recognizing that those who contribute to oppression are fellow human beings deserving of equal regard.

This conclusion addressed how victims should go about resisting, but it didn't explain why *victims* have to engage in resistance. Why doesn't the obligation to respond to oppression rest entirely elsewhere: with its perpetrators, and perhaps with privileged bystanders? Why think that victims, specifically, do wrong when they fail to resist? Initially I worried about raising this issue, as a possible implication was that victims might be morally blameworthy for failing to resist. What I eventually realized was that addressing this issue was the only way to take the agency of the oppressed seriously, to understand what the condition of victimhood demands of moral agents. The alternative was to treat victims as mere objects of moral concern. This is why I came to ask how victims should respond to being oppressed. After considering common attempts to ground the moral obligation of victims to resist their own oppression, I developed an argument grounded in considerations of objective well-being. Resistance, I argued, *just is* autonomous, self-respecting activity, making resistance an essential element of living a worthwhile life in oppressive circumstances.

As I researched other attempts to explain the obligations of the oppressed, I found myself increasingly confused by how authors were defining oppression. I couldn't understand why leading authors were offering the necessary and sufficient conditions they were. Oppression has often involved groups, but did it have to? The oppression of some has often privileged others, but again, did it have to? I wanted to understand what kind of harm oppression is, but the necessary and sufficient conditions I came across

seemed to be describing something else: a particular way in which relationships between social groups can go wrong. I didn't doubt that this pattern of wrongful relationships could oppress. I just didn't understand why this pattern exhausted the range of oppression cases. The group relationship model didn't have the wrong answer—it simply wasn't answering the question I felt we needed to pursue. Namely, what kinds of barriers and burdens oppress?

To fully address this question, I argued that a model of oppression needs to be able to meet three criteria. First, a model of oppression should tell us what is and what isn't a case of oppression. Second, a model should distinguish oppression from distinct forms of injustice, singling out the unique wrong of oppressive burdens. Third, a model should facilitate precise conversations about the kinds of moral and political actors those confronting oppression can and should be, including its victims. The prevailing group relationship model fell short on each of these criteria. These criteria required an effects-centered model of oppression.

After many less than fruitful attempts to develop a suitable account of oppression, the one I settled on is that a person is oppressed when their autonomy or their life prospects are systematically and wrongfully burdened. Although I believe this effects-centered account of oppression is best able to do what we need an account to do, I don't measure the contribution of my dissertation by the success of my particular account. What I believe really matters is the shift to an effects-centered model of thinking about oppression. Any reasonable account that analyzes oppression in terms of its effects will

further our understanding of victimhood, not only through conceptual clarity, but by inviting a wider range of perspectives to the debate.

Liberals began the modern literature on oppression with their concerns about tyrannical governments and the tyranny of majority opinion. As such, I'd long wondered why contemporary liberals didn't have more to say about the subject of oppression, and why the discussion seemed to be happening outside of mainstream political philosophy. I now suspect that it has something to do with the way the debate was framed, and with the limited range of canonical cases taken to be oppressive. An effects-centered model of oppression isn't explicitly liberal, but it offers a way of thinking about oppression that I hope can appeal to both liberals and non-liberals alike. I'll measure the contribution of my dissertation by whether it brings wider attention and discussion to the important problems of oppression.

I didn't set out to develop an account of oppression friendly to liberals. In fact, it's thinking about oppression that reaffirmed my liberalism. Oppression is the kind of wrong that can never be deserved, the kind of wrong that always calls out for resistance. But as we engage in resistance, there are limits to what we can and cannot do in the name of ending oppression, limits set by the effects-centered specification of oppression itself. We must consider not only the effects we mean to stamp out, but the effects our attempts to do so will have. Liberalism provides both the proper aim of resistance and the proper constraints on resistance, a lesson I learned when I reevaluated my early belief that contributions to oppression were inherently rights violating. I came to realize this way of thinking about oppression would only impose oppressive burdens: attempting to change

others in order to end oppression is self-defeating. Sometimes our problems don't have political or institutional solutions. Sometimes the only solution is taking our moral obligations seriously, and when others fail to do so, liberalism is the important recognition that there's really nothing more that we can do. That's why focusing on agency is so important, and why I'll continue to investigate the kinds of moral and political actors we can and should be.

I'm proud of what I've accomplished with my dissertation. But I admit that didn't address every issue that's relevant to answering the questions I ask. The omissions point the way to future research. I'd like to explore in more detail how oppression impacts the capacity for responsible agency. I discuss this issue in passing, but more needs to be said about the nature of burdened autonomy. Also, while I argue that nonviolent civil disobedience is a politically virtuous means for resisting oppression, I've left unaddressed the question of whether political violence can sometimes be permissible. More generally, I see this dissertation as the beginning of a larger research project concerned with the nature of victimhood, how injustice affects agency, and how obligations can be grounded in the absence of just institutions.

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