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ARTICLE

Who Has Duties to Resist Oppression?

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Abstract

In this paper, I argue that the literature on victims' duties to resist their own oppression has not paid enough attention to the heterogeneity of victims and how this affects their duties. The main aim of the paper is to introduce considerations and complications—informed by an intersectional analysis, and particularly the concept of *privilege*—that must be taken into account when determining how to assign duties to resist. I argue that failure to recognize these nuances results in an overcautiousness when it comes to assigning duties of resistance, and that a blanket reluctance to assign such duties is of most detriment to the most marginalized.

Keywords: resistance; oppression; victims; privilege; intersectionality

Oppression harms the oppressed, and there is an urgent need to end—or at least mitigate—these harms. A burgeoning literature in contemporary political philosophy asks whether victims of oppression themselves have obligations to contribute to this goal in the form of duties to resist their own oppression.[1] The idea that victims might have such duties is understandably controversial, raising concerns of pernicious victim-blaming and overburdening demands on the already downtrodden.[2] My concern in this paper is to argue that arguments against duties to resist tend to problematically overlook the heterogeneity of victims of oppression. In particular, such arguments either tacitly or explicitly rely on a coarse-grained dichotomy of victim and non-victim that neglects to recognize the significant variation in individuals' social location, resources, and lived experiences. This failure to acknowledge the ways in which many victims are, in fact, *privileged* in many respects results in a blanket reluctance to assign *any* duties to resist: a conclusion that, as I will argue, is not properly borne out by the arguments. I argue, further, that even proponents of duties to resist often exhibit overcautiousness as a result of failing to pay proper attention to the morally relevant differences between differently situated victims of oppression. This failure allows relatively privileged victims to rhetorically place themselves in the same category as the most marginalized, disguising their relative privilege by focusing exclusively on the ways in which they are oppressed (hooks, 1984). In the context of duties to resist, this oversimplification then functions to excuse victims who ought not to be excused, perpetuating their relative privilege and ultimately adding to the burdens of the most marginalized. If we assume that our primary concern when assigning victims' duties to resist oppression is the ameliorative goal of ending or mitigating the unjust harms that victims of oppression experience (Terlazzo, 2020), then it is vital that we pay close attention to the concrete situations of the individual agents to whom these duties are supposed to apply.

[1]See Vasanthakumar (2020) for a comprehensive review of the current state of the debate.

[2]I intend to stay as neutral as possible on the details of what a duty to resist would entail. I do not, for example, take a stance on what negative sanctions (if any) ought to attend a victim's failure to carry out a duty of resistance.

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In particular, I argue that the substantive content and the stringency of a given agent's duties will depend to a significant degree on the extent to which she is privileged.

To be clear, the charge here is not that differences between victims are *never* recognized in the literature on duties to resist; such a claim would certainly be unfounded. For example, Ashwini Vasanthakumar flags that treating the categories of oppressed and non-oppressed as "internally uniform" might, in some cases, "obfuscate rather than illuminate" (Vasanthakumar, 2020, 7). However, she (understandably for a survey article) does not further explore the nature or effects of this obfuscation. Rosa Terlazzo, too, explicitly acknowledges the importance of an intersectional analysis, noting that "multiple kinds of oppression often interact, and an account of victim duties that ignores this will both make inappropriate moral judgments about victims and offer ineffective action guidance" (Terlazzo, 2020, 393). Following this through, Terlazzo aims to "develop a unified set of principled guidelines that can be applied to the cases of particular victims" (393). Terlazzo, however, explicitly leaves the work of applying this framework—in the end consisting of four guidelines—to future scholarship. This paper might be considered, in part, a contribution to this effort, in that I raise complications that must be considered when applying guidelines of this sort.

Before I begin, it is important to clarify my use of terms. First, I use 'victim' as shorthand to refer specifically to victims of oppression. I adopt Marilyn Frye's canonical definition of oppression, according to which oppression consists of "a system of interrelated barriers and forces which reduce, immobilise, and mould people who belong to a certain group, and effect their subordination to another group…" (Frye, 1983). According to this structural definition, the existence of an oppressed group does not necessitate the existence of an identifiable oppressor group. Rather, "oppression comes out of unjust social and political institutions […] such as law, convention, norms, practices, and the like" (Cudd, 2006, 20). A necessary condition of oppression on Frye's account is that it targets people not as individuals but as members of a social group. For the capacious sense in which I am using the term 'victim,' being a member of an oppressed group is both necessary and sufficient for being a victim of oppression. For example, in a society characterized by gender oppression, a woman is a victim *qua* woman. If she is a member of multiple oppressed groups (for example, if she is Black), then her status as victim will be multiply determined: she will be a victim *qua* woman and a victim *qua* Black person. I am concerned here specifically with victims' duties to resist their own oppression. I therefore use 'duties to resist' as shorthand for 'victims' duties to resist their own oppression' unless otherwise specified. I take it that an individual resists oppression when she acts with the aim of mitigating or ending the harms of oppression. Resistance takes many forms, including actions like engaging in political organization and activism, participating in boycotts, attending protests, and intervening in situations of oppression-perpetuating behavior such as hate speech or acts of violence.

1. Duties to Resist

Arguments for duties to resist fall broadly into two camps: self-regarding accounts and other-regarding accounts. Self-regarding accounts focus on victims' duties to themselves, cashing this out in terms like self-respect (Boxill, 2010; Hill, 1973), well-being (Silvermint, 2013), or an obligation to protect one's rational nature (Hay, 2011). I put self-regarding accounts aside here, as I take the problematic homogenization of victims to be especially pertinent to the consideration of other-regarding duties.[3] Other-regarding accounts focus on the ways in which failure to resist harms others, framing duties to resist as duties of justice and/or of assistance (Cudd, 2006; Terlazzo, 2020; Vasanthakumar, 2018).[4] Central to such accounts is the idea that victims, by failing to resist,

[3]I also find other-regarding accounts to be more plausible than self-regarding accounts, though I do not make that argument here.

[4]On some other-regarding accounts, then, victims do not have duties to resist *qua* victim but rather *qua* moral agent, or *qua* participant in the political community. Other other-regarding accounts have it that victims have a *particular* duty to resist their own oppression, perhaps because they are uniquely placed to perform a certain role in resisting the oppression

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contribute to or perpetuate their oppression, thereby harming their fellow victims (as well as themselves). For example, Ann Cudd mounts an other-regarding case for duties to resist on the basis that "by *participating in an oppressive institution, one lends some strength and stability to it*, perhaps even legitimates it to some degree" (Cudd, 1998, 31, emphasis in original).[5]

Arguments against other-regarding duties to resist tend to amount to the following claim: *duties to resist place unduly and/or unfairly (over)burdening demands on the oppressed.* Arguments in support of this claim then take the form of emphasizing the burdens that such duties place on victims—both their demandingness and their purported unfairness—and expressing skepticism about the extent to which duties to resist can end or mitigate oppressive harms in the first place. I spend the rest of this section outlining these concerns, before going on to argue that they derive much of their force from insufficiently careful theorizing about variations in victims' relative privilege.

1.1. The burdens of resistance

Resisting oppression is always costly. It requires significant effort, time, and resources; it can open one up to retaliation, and prevent access to material and non-material goods. An oppressive structure incentivizes compliance with oppression through a phenomenon that Serene Khader, following Uma Narayan, calls "harm-benefit bundling" (Khader, 2016, 169). Narayan argues that women's choices about whether or not to comply with oppression can be understood as choices between different ""bundle[s] of elements," some of which they want and some of which they do not, where they lack the power to "undo the bundle" so as to choose only those elements they want" (Narayan, 2002, 422). Crucially, harm-benefit bundling under oppression generally works to make compliance with oppression the least costly option available. Consider the following example, taken from Cudd (2006, 148–149):

> *Lisa and Larry*
>
> A heterosexual couple—Lisa and Larry—must decide which of them should drop out of the paid workforce to look after their child. The resistant action in this case would be for Lisa to keep working, thereby flouting the social norm that women will stop working when they have children. However, all else being equal, the rational (least costly) decision is for Lisa to stay home because, as a result of the gender wage gap, her expected earning potential from staying in paid work is lower than Larry's.

Importantly, Lisa does not have the option of a bundle in which she can resist *and* receive the higher income.

Agents facing such compromised choice situations may choose to "bargain with patriarchy" (Kandiyoti, 1988; Narayan, 2002). An individual bargains with patriarchy (or any other oppressive system)[6] when she chooses not to resist because doing so is her most well-being enhancing option. Duties to resist place burdens on victims of oppression because they require them to reject

(e.g., see Vasanthakumar, 2018), or because their non-resistance presents a particular barrier to overcoming the oppression (see Cudd, 2006). These subtleties don't particularly concern me here: when I talk about arguments against duties to resist, I am speaking specifically about the claim that victims *never* have duties to resist their own oppression, whether *qua* victim or *qua* some other capacity.

[5]One might argue that victims *cannot help* but perpetuate their own oppression. For example, expanding on Frye's famous analysis of "double binds" (Frye, 1983, 11), Sukaina Hirji gives an account of the structure of oppressive double binds as "choice situations where no matter what an agent does, they become a mechanism in their own oppression" (Hirji, 2021, 643). If ought implies can, it might seem that other-regarding accounts fail on this count. I think Hirji is right that the choice situations of the oppressed often exhibit this structure. Nevertheless, we can still make sense of other-regarding accounts if we recognize that even in an oppressive double bind, the available options do not necessarily perpetuate oppression to the exact same degree.

[6]For ease, I continue to use the terminology of 'bargain with patriarchy' at various points below. I take the same mechanism to apply, *mutatis mutandis*, in cases of oppression other than that of gender oppression.

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patriarchal bargains, and so to forgo their most well-being enhancing options. Importantly, the costs of resistance can be very significant: an agent may need to bargain with patriarchy in order to access crucial goods such as protection from violence, financial security, freedom of movement, and so on. There are "*real practical and emotional stakes*" in compliance (Narayan, 2002, 20, emphasis in original).

Though resisting oppression is costly for both non-victims and victims, arguments against duties to resist warn that there is something particularly noxious about removing the best option from victims' already deformed choice sets,[7] because there is something especially worrying about burdening the already oppressed. There are two key reasons why this might be so: a concern of demandingness, and a concern of fairness. The demandingness concern finds that duties to resist are particularly at risk of being *overly* demanding because the costs of resistance tend to be higher for victims of oppression, and victims are less likely to have the resources necessary to cope with these costs. As Vasanthakumar puts the concern, "[resistance] requires significant psychological, social, epistemic and capital resources that the oppressed, in particular, are less likely to hold or to hold adequately" (Vasanthakumar, 2020, 5). Importantly, the costs that duties of resistance would require victims to undertake might properly be described as *unjust harms of oppression*. As Terlazzo articulates, "the costs of resisting, while not strictly oppressive harms, are also harms caused to victims of oppression by virtue of oppressive practices existing" (Terlazzo, 2020, 397). That is, these harms would not exist were it not for oppression. It is therefore at least plausible that duties to resist, far from ending or mitigating the unjust harms that victims of oppression experience, might *contribute* to those harms. The second concern with burdening the already oppressed is a concern of fairness, which finds that it is unfair to put *any* burden of resistance on the oppressed, even if the costs are negligible, given that victims have already been deeply burdened by their oppression. On this view, fairness requires that duties of resistance fall squarely on non-victims, who not only do not face these oppressive burdens, but in fact tend to *benefit* from the oppression of others. Even when the costs of resistance are relatively low, the argument therefore goes, it is objectionable to assign duties to resist to victims.[8]

1.2. The benefits of resistance

Determining whether duties to resist are *unduly* overburdening requires a consideration of whether the costs are properly offset by the benefits that such resistance can bring about. The benefits of mass resistance are enormous: if a critical mass of individuals were to engage in coordinated opposition to oppression over a sustained period, then real social and structural change could be effected, and the harms of oppression would end, or at least be greatly mitigated. However, as critics point out, *individual* resistance in a context of mass compliance with oppression is likely to be almost entirely ineffectual. Changing oppressive structures therefore presents a collective action problem, making the claim that failure to resist harms others seem spurious. As Khader points out, "It does not follow from the fact that women's collective compliance with oppressive norms disadvantages women that *any individual woman's action*, on its own, disadvantages women" (Khader, 2016, 171, emphasis in original). If an individual victim, resisting in a context of mass compliance with oppression, is

[7]It is worth stating explicitly that nothing I say here is an endorsement of coercive intervention, for example by the state, to literally remove the best option from a victim's choice set.

[8]The demandingness and fairness concerns are not entirely unrelated. For example, we might think that duties to resist are *particularly* unfair the more demanding they are, or at least that we have more reason to worry about the unfairness. Or fairness considerations might be brought to bear on the question of where the line between supererogatory and morally required ought to be drawn, as in Terlazzo's "overdemandingness guideline," which finds that "Considerations of fairness suggest that victims of oppression, having already unjustly suffered the harms of oppression, ought to be able to give some additional weight to their own interests when fulfilling their duties" (Terlazzo, 2020, 398). Nevertheless, I think it is helpful to distinguish the two concerns as I do here. My thanks to an anonymous reviewer for pushing me to clarify this point.

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unable to make any difference towards the goal of ending or mitigating the unjust harms of oppression, then the burdens of such resistance would not be appropriately outweighed.

This sort of worry is shared by proponents of duties to resist. Though she doesn't take it to be entirely prohibitive of duties to resist, Terlazzo expresses this concern as follows:

> *The ability guideline:* "we should focus on assigning duties only in cases in which victims of oppression have the relatively straightforward ability to fulfil them," where the relevant sense of ability "will be the ability to successfully perform a type of action that will predictably have certain effects: that is, the effect of ending or mitigating the harms of oppression" (Terlazzo, 2020, 396).

Terlazzo finds that duties to engage in large-scale collective action—including widespread non-compliance with oppressive norms—fail to meet this guideline and so argues that such action should be supererogatory (404).

2. Privilege

If we are to proceed in our discussion of duties to resist in terms of burdens and benefits, then it is vital that we pay proper attention to exactly who those burdens and benefits accrue to, and this requires an analysis of the heterogeneity of victims, which pays attention to the ways in which victims can be simultaneously oppressed *and privileged.* Recall that the definition of 'victim' with which we are working finds that being a member of an oppressed group is both necessary and sufficient for being a victim of the relevant oppression. For example, being a woman is sufficient for being a victim of gender oppression. This splits all persons into mutually exclusive categories of either a victim (of the relevant oppression) or a non-victim (of the relevant oppression).[9] It is no surprise that the literature on duties to resist focuses on this distinction, concerned as it is about *victims'* duties to resist,[10] and I am by no means suggesting that we jettison this dichotomy altogether. However, I want to insist that it is too coarse-grained a distinction *by itself* to be helpful when making claims regarding particular individuals' duties to resist their own oppression.

In particular, a sole focus on this dichotomy reflects and encourages a tendency to focus *exclusively* on the ways in which individuals are oppressed, thereby obscuring the fact that an individual can be oppressed in one respect and privileged in another. As Alison Bailey explains, this is a problem because,

> Silence about privilege is itself a function of privilege […] Conversations that focus exclusively on oppression reinforce the structured invisibility of privilege. White women who focus solely on their oppression as women, for example, generate incomplete accounts of oppression when they fail to explore the role white privilege plays in the subordination of their sisters of color. Attention to the construction of privilege, then, is a necessary component for a full account of oppression as well as a way to make visible the role of privilege in maintaining hierarchies. (Bailey, 1998, 117)

The literature on duties to resist tends to perpetuate precisely this invisibility by failing to appreciate and attend to variations in privilege *within* victim groups. These variations, as I argue in the next

[9]On the most macro level, this can be aggregated to split everyone into mutually exclusive categories of victim or non-victim *tout court.* Non-victims *simpliciter* are all those who are in no way oppressed (they are white, middle to upper class, male, cisgender, straight, etc.). Everyone else is a victim. Understood in this way, the term is obviously capacious: *the majority of people are victims of oppression.* This way of thinking about things can be helpful for calling attention to the wide reach of oppression in the world—and is necessary for any argument claiming that *no* victims have *any* duties to resist *any* oppression—but it is not directly relevant to the matter of victims' duties to resist their *own* oppression.

[10]This is especially true of work that focuses on the question of whether victims have duties to resist *qua* victims.

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section, are in fact morally and politically relevant to the question of undue and unfair burdens, and ignoring them results in an overcautiousness when it comes to assigning duties of resistance: an overcautiousness that maintains hierarchies of privilege within oppressed groups.

Before moving to this argument, however, it is necessary to get clearer on what we mean by privilege. I follow Bailey, who develops a conception of privilege as unearned advantages conferred systematically to members of dominant social groups (Bailey, 1998), where an advantage can be understood as an asset, skill, condition, or circumstance that benefits the possessor, and which puts her in a favorable position relative to others who do not have the advantage. Bailey specifically wishes to draw a distinction between two kinds of assets: unearned privilege and earned advantages (Bailey, 1998, 108), though it is crucial to note (as she does) that this distinction is blurred and complex. For instance, Bailey explains that "privilege and earned advantages are connected in the sense that privilege places one in a better position to earn more advantages" (110). I would add to this that earned and unearned advantages can increase one's privilege, as when someone earns a promotion or wins the lottery and therefore finds themselves in a new social class.

Bailey's conception of privilege serves as the opposite side of the coin to oppression as defined by Frye. On Frye's definition, a practice is oppressive to group X if and only if that practice: (1) is part of a social structure, which (2) targets individuals as members of the social group X, and (3) disadvantages X relative to some other group. If oppression disadvantages X relative to some other group, then there is some social group(s) Y that is *advantaged* relative to X. This relative advantage—which is (1) part of a social structure, and which (2) is systematically conferred to individuals as members of the social group(s) Y—is privilege. Because an individual can be a member of multiple social groups, she can be both oppressed and privileged simultaneously.

The obvious place to look for the theoretical tools to analyze the ways in which various forms of oppression and privilege interact with one another and come to bear on an individual's identity, experiences, and resources, is intersectionality theory. Minimally, intersectionality is the idea that various forms of oppression emanating from membership in multiple social categories—for example, 'woman' and 'Black'—will interact with one another in multiple complex and sometimes contradictory ways that are not merely additive (Combahee River Collective, 1981; Crenshaw, 1989). As Jennifer Nash points out, however, intersectionality will not axiomatically be able to speak to the various effects and workings of privilege. In fact, Nash points towards and criticizes "a tendency of intersectionality theorists to ignore the intimate connections between privilege and oppression" (Nash, 2008, 12). This tendency, she argues, results in intersectionality frameworks that:

> […] [underscore] the ways in which patriarchy, racism, and heterosexism buttress each other, but [ignore] the ways in which subjects might be both victimized by patriarchy and privileged by race […] in particular social, cultural, historical, and political moments. In conceiving of privilege and oppression as complex, multi-valent, and simultaneous, intersectionality could offer a more robust conception of both identity and oppression. (12)

Ann Garry responds to precisely this criticism, proposing the following concept of intersectionality, which explicitly encompasses the notion of privilege:

> Oppression *and privilege* by race, ethnicity, gender, sexual orientation, class, nationality, and so on do not act independently of each other in our individual lives or in our social structures; instead, each kind of oppression *or privilege* is shaped by and works through the others. (Garry, 2011, 827, emphasis mine)[11]

[11]Notice that it follows from Garry's concept of intersectionality that every individual has an intersectional identity, including those who are not multiply, or even singly, marginalized. This is necessary if intersectionality is to allow us to recognise the complex ways in which oppression and privilege are co-constituted. This idea is unappealing to some theorists, for whom intersectionality is fundamentally a theory of marginalised subjectivities, designed to respond to the historic and ongoing

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As Garry says, "by itself, intersectionality provides neither any structural analyses of oppressions and privileges nor any particular analysis of anyone's complex identity or experiences. Instead, it points out what kinds of analyses might be useful, namely, ones that consider mutually constructed or intermeshed axes of oppression or facets of identities" (830). Building on Bailey's recommendation to think of intersectionality as a tool much like a spellchecker (Bailey, 2009, 20), Garry suggests that we think of intersectionality as a "framework checker" that "provides standards that a method or methodology should meet" (Garry, 2011, 830). Just as a spellchecker draws one's attention to spelling or grammatical errors in a piece of text, intersectionality alerts us to problematic overgeneralizations which fail to consider intragroup differences and the ways in which oppression and privilege are mutually constituted.

Applying this checker to the question of duties to resist unveils the ways in which victims of "the same" oppression—for example, two women, both victims of gender oppression—will experience their oppression differently depending on the ways in which they are otherwise privileged or oppressed by race, class, ability, sexuality, etc. As Chandra Talpade Mohanty points out, it does not follow from the fact that two victims are members of "the same" oppressed or privileged group that they will share the same "interests, perspectives, and goals and similar experiences" (Mohanty, 1995, 258). Mohanty specifically criticizes feminist theorizing that falsely characterizes women as a "coherent singular group" sharing a "common condition and world view" (259). Such theories, Mohanty argues, assume a "global or universal sisterhood" which "effectively erases material and ideological power differences within and among groups of women" (263). Such simplistic formulations are not only inaccurate and reductive, they are ineffectual for designing effective political strategy (Mohanty, 1988, 344). The same critique can be levied at accounts of duties to resist that do not attend to the heterogeneity of victim groups. As I argue in the next section, an accurate picture of the diversity of victims directly affects the matters of burdens, benefits, and outcomes raised in Section 1. We therefore cannot proceed in our normative theorizing about duties to resist on the basis of coarse-grained categories that elide these complexities.

One might be worried at this stage that emphasis on the differences between victims will create an uncomfortable disunity among the oppressed that is inimical to collective struggle. My point, however, is not that we must discard broader categories of victimhood altogether. Nor is it to quantify and rank victims according to their relative privilege (a task that would anyway be incompatible with an intersectional analysis). Rather, it is to notice the ways in which an individual's lived experiences and social location are informed and determined by more than just their oppression, and to think about how the nexus of their oppression *and* their privilege interact differently in different contexts in potentially relevant ways for the question of duties to resist. As will become clearer in the remainder of this paper, the upshot of this should in fact be *conducive* to unity, in that it encourages a genuinely equitable sharing of burdens that can ground solidarity around a shared goal of collective liberation.

3. The Effect of Privilege on the Burdens and Benefits of Resistance

In this section, I argue that applying a nuanced analysis of privilege differentials across the victim class to arguments against victims' duties to resist undermines the strength of their conclusions. It is certainly true that we ought to be cautious about unduly or unfairly burdening victims of

invisibilization of the subjectivities of the multiply marginalized. This concern ultimately goes to the larger question of what we want intersectionality to do for us, a question that I cannot properly explore here. I'll confine myself to suggesting that we need some conception of identity which allows us to recognize the complex ways in which oppression and privilege are co-constituted, and such a conception will surely share many of the same tools as intersectionality, even if we want to fence it off from intersectionality properly so called.

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oppression, and this requires us to pay attention to the costs and benefits of resistance. However, as I demonstrate in this section, these costs and benefits are themselves closely tied to the degree and form of privilege that a given victim possesses.

3.1. The effect of privilege on the burdens of resistance

3.1.1. Demandingness

Let's start by considering how paying proper attention to the relative privilege of differently situated victims affects the overdemandingness concern raised above. Recall the concept of a patriarchal bargain, in which the victim chooses to comply (that is, to not resist) because doing so is her most well-being enhancing option among a choice set that exhibits harm-benefit bundling. What we are now in a position to see is the ways in which the choice sets of the oppressed in patriarchal bargain situations, though they always exhibit harm-benefit bundling, can and do vary considerably, and that the demandingness of forgoing these bargains often corresponds to the privilege of the agent in question. We can analyse the variation in terms of differing negotiating powers. Narayan herself notes variation in patriarchal bargaining situations, recognizing that "The negotiating powers some women have to bargain with patriarchy might be considerable; in other cases their negotiating powers are far less strong" (Narayan, 2002, 422).

The game theoretical concept of *disagreement points*, taken from bargaining theory, is helpful for understanding a key way in which differently situated victims can have differing negotiating powers when bargaining with patriarchy. Simple bargaining situations can be modelled by a Nash demand game, in which two players have the opportunity to divide a bundle of resources between them.[12] Players simultaneously make a demand for some share of the resource: if both demands are mutually satisfiable then the players' demands are met, otherwise both players get a low payoff (often nothing). This low payoff is labelled the disagreement point. A player's disagreement point, then, is the value that she can expect to receive should bargaining fail. As analyses of strategies in the Nash demand game tell us, a bargainer with a higher disagreement point will occupy a more powerful bargaining position. This is because the higher the disagreement point, the less costly it is to "walk away from the table." Patriarchal bargains are more complicated than the simple version of the Nash demand game, but the same concept can elucidate the strategies and payoffs in choice situations that exhibit harm-benefit bundling. In the patriarchal bargain case, the disagreement point is equivalent to whatever bundle is attached to resistance (for resistance is equivalent to refusing to bargain with patriarchy). The higher a victim's disagreement point, then, the less costly it is for her to refuse the patriarchal bargain (that is, to resist).

Disagreement points are affected by what is at stake in the bargain. Crucially for our current discussion, the stakes at play in patriarchal bargains can be affected by the degree of relevant privilege that a given victim possesses. There are, I suggest, two primary mechanisms by which victim A might have a higher disagreement point than victim B as a result of a difference in privilege between the two agents. In the first, A and B are facing the same set of bundles, but A has more resources in other aspects of her life which cushion her from the costs of the less attractive bundle. Detached from context, there is a sense in which resistance has the same cost for each of them, but if we take A's privilege into account it becomes clear that the cost would be felt more keenly by B than by A. Just as victims are more likely than non-victims to be unable to shoulder the burdens of duties to resist—as per the overdemandingness concern—more privileged victims

[12]The Nash demand game goes back to John Forbes Nash's discussion of 'the bargaining problem' (Nash, 1950). There is a history of using Nash-bargaining theory to analyse decisions made under oppressive conditions. See, for example, McElroy and Horney (1981) on Nash-bargained decisions about the division of labour in the household.

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are, *ceteris paribus*, more likely to be able to shoulder the burdens of resistance than less privileged victims. Take the following example:

> *Late Meetings at the Office*
>
> Nina recently started work at an office job, where it's common practice to schedule last-minute meetings that run over normal working hours and into overtime. This causes difficulties with her childcare arrangements, because she never knows when she'll have to stay late. If she declines to attend the meetings, or raises the practice as a problem, she risks looking unprofessional and uncommitted to her job.

Now let's mix our examples and suppose that Nina and Lisa work in the same office. Both confront the same bundles in that both can choose between staying quiet and dealing with childcare difficulties or raising the issue and risking less professional success as a result. If we add in extra information about the different situations between the two women, however, it starts to become clear why they might nevertheless have different disagreement points. Suppose that Lisa is an affluent white woman. She comes from a wealthy family, went to a prestigious college, and straight into a top law firm. Nina, on the other hand, comes from a working-class background and had a considerably tougher time breaking into the law profession. As a Black woman in a predominantly white workplace, she already has to deal with unconscious bias about her professionalism. Lisa and Nina therefore face the same bundles, but Lisa will have a higher disagreement point because her privilege gives her unearned advantages that enable her, in this scenario, to counterbalance, absorb, or even remove the costs associated with resistance.[13] Resistance is less costly for Lisa.[14]

Second, A, by virtue of her relative privilege, may face an entirely different set of bundles to B, where her worst bundle is objectively better than B's worst bundle. To think about this, we can return to the original Lisa example. The unjust choice that Lisa faces does not even arise for, for example, low-income mothers who often have no option but to work outside the home, or single mothers who do not have a partner to split labor with. The stakes wrapped up in Lisa's deformed childcare options are, though real, relatively low in comparison to choice bundles faced by many less privileged women: the value of her disagreement point still presumably involves a healthy salary (though lower than her income would otherwise be), with her partner Larry staying at home to look after the child. As a direct result of her privilege—most saliently in this case, her class privilege—Lisa's worst bundle is therefore objectively better than the worst bundle in the childcare options of, say, a low-income mother. Accordingly, the burdens attached to resistance in this case are lower for Lisa. It's along precisely these lines that the Lisa example itself has received criticism. Terlazzo argues that the example fails to "represent the reality of oppression for all women," and that "significant further work must be done to help the initial illustrative example to do justice to many particular realities" (Terlazzo, 2020, 401). What this criticism hits upon but doesn't fully explore is that differently situated women often face entirely different sets of bundles, which in turn can be attached to very different disagreement points. What is really necessary, then, is to recognize that one illustrative example will *never* be able to do justice to all of the particular realities of the vastly heterogeneous class of victims.

[13]It might be objected that these are not really the same bundles. This is largely a terminological issue and does not affect my point, which relies only on the fact that the same sorts of goods are at stake. If the reader is still convinced that these are simply different bundles, then my analysis of different bundles, to which I turn presently, can be applied here instead.

[14]A reviewer for this journal suggested an informative variation of this example in which there is a third office worker, Fred, who could speak up about the late meetings. Fred, let us assume, is a white man but, for whatever reason, speaking up would be just as demanding for Fred as it is for Lisa (perhaps the boss has it out for him). It seems plausible in this case to say that Lisa's status as a victim of patriarchy gives her less of an obligation to speak up than Fred, despite their being equally able to bear the costs of doing so. I think this is exactly right, though of course this cannot be explained in terms of demandingness. Instead, it must be explained in terms of *fairness*. I say more about fairness below.

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A nuanced version of the demandingness concern, therefore, does not militate against assigning any duties to resist *tout court* but rather speaks to the importance of looking closely at the specific social location of the victim in question, recognizing that there is enormous variation in resource-holding *among the victim class*, and that this can affect the burdens of resistance. For example, applying Terlazzo's guideline that "increasingly costly acts of resistance on the part of victims are increasingly likely to be supererogatory rather than obligatory" (398) will require an explicit contextualization of the costs involved in any act of resistance; noting, for example, that what might seem like the same cost for A and B in isolation from other factors may in fact be higher for B due to her lack of cushioning resources.

3.1.2. Fairness

The co-constitution of oppression and privilege is also relevant to the fairness concern. Recall that the fairness concern holds that it is objectionable to assign duties to resist to victims because it is unfair to impose further costs on those who have already been unjustly burdened by oppression. According to the fairness concern, the burdens of resistance should lie entirely with non-victims, who are not subject to oppressive harms and who themselves often benefit from the oppression in question. If this is right, then the above discussion of demandingness is moot: it would be unfair to require victims to incur even relatively low costs in the name of resistance. I argue, however, that considerations of privilege show this conclusion to be too simple. While there is indeed something unfair about requiring victims to resist their own oppression, I argue that refusing to assign any duties to any victims would be even *more* unfair: in particular, it would be unfair to the most marginalized among the victim class.

Note first that, while it's certainly right that non-victims ought to have (particularly stringent) duties to resist oppression, if we leave all duties to resist oppression to non-victims, then it will be very difficult to make real progress towards the goal of significantly mitigating or ending that oppression. This is because the goal is so formidable that its achievement requires an enormous number of individuals committed to resistance across the oppressive structure. Restricting duties of resistance to non-victims is therefore likely to severely limit the possible success of our ameliorative project. This is particularly so given that non-victims often fail to fulfil their duties of resistance. This is partly because non-victims have little incentive to resist, given the costs of resistance and the fact that they stand to gain from continued oppression, and partly because non-victims seem to be particularly likely to fail to understand the interests of the oppressed.[15] Our ameliorative project, therefore, recommends assigning at least some duties of resistance to at least some victims.

Importantly, my argument does not rely on the assumption that the ameliorative project trumps concerns of fairness. Rather, I suggest that *fairness itself is at stake here.* The analysis of privilege and intersectionality above puts us in a position to recognize that just as non-victims benefit from oppression, so too do the privileged-oppressed benefit from the oppression of those who are even more marginalized: the advantages that they possess by virtue of their privilege are unearned and systematically conferred as a result of the oppression of those worse off. Without any duties to resist, the privileged-oppressed are freely permitted to make patriarchal bargains that not only perpetuate oppression but perpetuate this relative privilege—thereby maintaining hierarchies of privilege within that victim group. Just as fairness requires that non-victims ought (*ceteris paribus*) to have more stringent duties than victims, I therefore suggest that fairness dictates that more privileged victims ought (*ceteris paribus*) to have more stringent duties than less privileged victims. This is bolstered, I think, if we recognize that the failure of the ameliorative project would be of most detriment to the most marginalized among the victim class, who have the most to gain from the

[15]This non-compliance, of course, is a further source of unfairness. This is the subject of a well-known debate in moral and political philosophy which asks whether there is a duty to take up the slack, or to do more than one's "fair share." See Karnein (2014) and Stemplowska (2016) for defences of such a duty.

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mitigation of oppressive harms that could be achieved were duties assigned to (and discharged by) the more privileged. The fairness concern, therefore, speaks in favor of paying close attention to the variations *among* the victim class and assigning at least some duties to resist to at least some victims on this basis.[16] While this is indeed in some sense unfair to those victims who bear the duties, we must accept the unfortunate fact that some degree of unfairness is unavoidable under non-ideal conditions.

Even the more attenuated version of the fairness concern expressed by some proponents of duties to resist is, I think, overcautious on this count. For example, Terlazzo proposes the following guideline: "*Ceteris paribus*, duties to resist should be assigned to non-victims rather than victims" (Terlazzo, 2020, 398). While Terlazzo does not take fairness to rule out all duties to resist, she suggests that the only cases in which duties should be assigned to victims are when "the resistance of victims can play a unique role in mitigating harms to other victims that cannot be played by the resistance of non-victims" (Terlazzo, 2020, 397). For example, in the case of resistance in the form of victim testimony (see Vasanthakumar, 2018). However, given the considerations laid out above regarding non-compliance and the like, I find that fairness recommends assigning some duties to victims even where those duties could in principle be discharged by non-victims. A fair distribution of burdens will, I suggest, tend to place more stringent duties on those who are more privileged (in the absence of defeasible reasons to do otherwise in particular cases; I come back to some of these complications in the next section).

To sum up, when considering the burdens of imposing duties to resist on the victims of oppression, it is vital that we consider exactly who those burdens accrue to, and the ways in which the burdens themselves can be affected by privilege. Both the demandingness and fairness concerns raised against duties to resist, when taken to their logical conclusions, require that we go beyond simple categories and look more closely at the variation *between* victims.

3.2. The effect of privilege on the benefits of resistance

Costs, of course, are only one side of the analysis. As we saw in Section 1.2, the collective action problem facing victims throws into question whether individual acts of resistance achieve *anything at all* in terms of mitigating and ending oppressive harms. If critics are right on this point, then even a lessened burden would likely not be justified. Daniel Silvermint puts the collective action critique of other-regarding duties as follows:

> Claiming that a non-resisting victim contributes to continued oppression depends on the truth of the following counterfactual: resisting would have ended, or at least lessened, the oppressive burdens experienced by that victim or victims. However, it is normally not within a victim's ability to end or even lessen oppression […] When not enough victims resist to effect change, then whether or not a particular victim resists, the outcome will be the same. (Silvermint, 2013, 409)

This sort of critique is guilty of falling into what José Medina argues is a false dichotomy concerning responsibility: "namely, that our responsibility can only be discharged in one of two ways: through individual action understood as the action of each isolated individual independently of what everyone else does; or through the collective action of all" (Medina, 2013, 227). Similarly, Sahar Heydari Fard (2024) argues that we ought to eschew polarizing individualist or collectivist approaches to theorizing about social movements in favor of what she calls "the complexity approach" (2). This "third way" is, she argues, the only explanatory framework capable of

[16]Critics might press their scepticism here, insisting that giving any duties to even the privileged-oppressed cannot be justified, but the burden of proof is surely on them to convincingly show why, for example, white women have no duty at all to protect Black women from their racially compounded gender oppression.

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accounting for the ability of social movements to bring about meaningful—indeed *transformational*—change.

Take the case of Simone de Beauvoir and Catherine Deneuve, who—along with 341 other signatories—signed the Manifesto of the 343, publicly declaring that they had had an abortion at a time when abortions were illegal in France. These acts had enormous, liberatory effects, paving the way for the decriminalization of abortion in the country. The magnitude of this act's consequences cannot be explained in individualist terms: the 343 women who signed the petition did not by themselves overturn oppressive norms; rather, they "catalyzed *movements* that made change" (Khader, 2016, 177) by opening up new possibilities for action which were then picked up and "echoed" (Medina, 2013, Section 5.3) by other agents across the social field. Collectivist approaches also struggle: contrary to common sense, they fail to explain how and why the acts of these individuals—and de Beauvoir and Deneuve in particular—could be said to have made any difference at all (Heydari Fard, 2024, 6–7). The complexity approach to the question of why this particular instance of resistance was so successful would require looking at it in the context of what came before and after: the enabling conditions that allowed it to have the effects that it did. These effects are not best understood in terms of a simple counterfactual, as Silvermint would have it. Social movements build momentum through "networks of interdependence," (Heydari Fard, 2024, 7) and social transformation "requires coordination among many high and low impact actors and demands mechanisms that facilitate synchronous change at different levels" (6). As a result, the chain of actions that results in transformation is not easily predictable or traceable. As Medina argues, even seemingly "pointless" acts of resistance have "the potential to open up new possibilities of action. Perhaps in the long run, and after these gestures are continued in long performative chains, the resistant actions may have made a contribution toward justice after all" (Medina, 2013, 228). This might cause us to be skeptical of Terlazzo's ability guideline, quoted at the end of Section 1, which places emphasis on predictability.

Returning to the matter of privilege, there is good reason to think that privilege plays at least some part in the enabling conditions that can make an act of resistance successful. Deneuve and Beauvoir, for example, were able to achieve the effects they did (and to avoid the worst burdens of resistance) largely because of their fame and influence. Obviously, few have the influence and power of Beauvoir and Deneuve to catalyze whole movements that overhaul norms and laws—the sort of privilege that Lisa enjoys, for example, is unlikely to help her do this. But our goal does not need to be so lofty as this. This brings us to another issue with the collective action critique as expressed by Silvermint, which is that it is guilty of a sleight of hand: switching from talk of ending or lessening "oppressive *burdens*," (Silvermint, 2013, 409, emphasis mine) to ending or lessening oppression *tout court*. If an act of resistance mitigates the harms that oppression imposes on the oppressed, to whatever degree, no matter how local or humble, then it has contributed to our goal. Acts of resistance should not be evaluated only at the whole societal level, but at the level of groups and social sites such as workplaces, organizations, and neighborhoods.

Consider the workplace of Lisa and Nina again. If Lisa, with her relatively privileged position within the workplace, were to raise the issue of late-working policies, it is plausible that she might be successful in changing those policies, thereby shifting the norms in that workplace and allowing Lisa and Nina (and others in the office) to pick up their children from childcare on time without sacrificing attendance at important meetings. This would not, of course, shift office culture norms that perpetuate gender oppression at the societal level, but it would mitigate the harms of that norm on the local scale. This benefit should be taken seriously. This example also demonstrates that the extent to which an act of resistance will succeed in mitigating oppressive harms will depend in part on the victim's privilege and influence in the relevant site of interaction. In this case, Lisa is—relative to Nina—better placed to effect change as a direct result of her unearned advantages. Successfully applying something like Terlazzo's ability guideline, for example, will therefore require attending to the ways in which a given individual's social location affects her ability to contribute to successful resistance in the relevant case.

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4. Assigning Burdens

The previous section argued that the costs and benefits of resistance are closely tied to privilege, and that the claim at the heart of arguments against duties to resist—namely, that duties to resist place unduly and unfairly (over)burdening demands on the oppressed—is too simple. This is not to say that we should not be concerned about unduly and unfairly burdening demands. The foregoing arguments do not find that concerns of demandingness, fairness, and outcomes are unimportant: rather, they find that, taken to their logical conclusions, each of these concerns speak in favor not of rejecting duties to resist altogether, but of more carefully differentiating between victims and assigning at least some duties to resist on the basis of these more fine-grained distinctions. The substantive question of precisely *when* victims have duties to resist—and how privilege comes to bear on the question of whether a duty is appropriate in a given case—is, of course, still largely open. Answering this question will not be straightforward because different forms of oppression and privilege are not interchangeable or reducible to one another. Further, the ways in which oppression and privilege are shaped by and work through one another will depend not only on the precise intersectional identity of the individual, but also on her concrete circumstances, situated, as Nash says, in her particular "social, cultural, historical and political [moment]" (Nash, 2008, 12). Indeed, the way in which privilege comes to bear on the appropriateness of assigning a given duty to a given victim will be largely *situational*.

For example, returning to the matter of costs, while it is true that *in general* more privileged victims are more able to bear the costs of resistance, we cannot draw broad conclusions to the effect that duties to resist therefore always increase directly in line with an agent's privilege. Such a conclusion would be guilty of replicating the same problem of oversimplified categories that I am trying to diagnose and address. This is because if privilege is understood as unearned advantages conferred systematically, then the effect of privilege on the costliness of a given duty will depend on whether the advantages that have been conferred on the relevant agent are applicable to the situation under consideration. Bailey argues that privilege "has an unconditional 'wild card' quality that extends benefits to cover a variety of circumstances and conditions" (Bailey, 1998, 108). It is certainly true that privilege has a "broader currency" (108) than earned advantages like frequent flyer miles (which apply to only a very specific circumstance). However, while privilege can help to mitigate, compensate for, and even bypass oppressive harms in some cases, it will not always do so, and the manner in which it does so will depend on the situation at hand. This is because different elements of oppression and privilege acquire different moral salience in different contexts. When considering the point at which the assignment of a duty becomes unduly burdening, it is necessary to recognize that the different types of goods at stake in patriarchal bargains are often *non-fungible*. There are many qualitatively distinct types of goods that are central to a good life, including nourishment, education, protection from violence, political liberties, access to rewarding relationships, and so on. Individuals need *all* of these goods, and giving someone more of one cannot compensate for her lacking another (Nussbaum, 2002, 131). A victim's relative privilege will not necessarily increase her disagreement point in a particular bargaining situation if the advantages conferred on her by her privileged position are qualitatively different from the goods at stake in the bargain. For example, although Lisa's class privilege makes her more able to take on economic burdens associated with resistance, it does not necessarily mean that she is more able to shoulder burdens of other kinds, such as risks to her safety.

In light of the complexities of fairly distributing duties to resist, I suspect that Carol Hay (2011) is right that any such duties ought to be understood as *imperfect*.[17] Imperfect duties, as distinguished from perfect duties, are those that permit some degree of latitude and discretion in the way they are discharged. The ascription of an imperfect duty is apt in cases where there are certain types of action that we ought to do, that we don't need to (or cannot) do as much as possible, and that leave some

[17]Terlazzo also finds that duties to resist must be imperfect (Terlazzo, 2020, 410).

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discretion as to the way in which we do them (see Schroeder, 2014). Duties to resist seem to be just such a case: we ought to do something about oppression; any one agent cannot possibly take up every opportunity to resist oppression (and even if she did, she would still be unable to succeed in unilaterally transforming oppressive social structures); and the transformation of oppressive social structures will require a variety of agents to take a variety of forms of action. Putting this together with the argument made above, we might say that while all victims have an imperfect duty to resist, the actual concrete *requirements for action* that this same duty places on each of them will differ in a way that is responsive to their respective social locations and differing resources, thus providing the flexibility and engagement with particularity that recognition of heterogeneity requires. A given victim determining how to discharge her imperfect duty must begin by reflecting with honesty on her own privilege or lack thereof: the capacity she has for action, the resources at her disposal, the costs she is able to bear, and the levers of causal power available to her.

There is clearly still further work to be done to develop a full account of when victims have duties of resistance. What I hope to have shown here is that any such account must look beyond simple categories and pay close attention to the heterogeneity of the victim experience.

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