

Coercion

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Article Summary

Coercion is the use of force or threats to control a person's actions. As such, it is different from persuasion and manipulation, it is allegedly an integral part of the law and the state, and it vitiates consent and exculpates wrongdoing. If someone is coerced into consenting to sex or to a medical procedure, their consent will be invalid (see [Consent](#); [Autonomy](#)); and if someone is coerced into damaging another person's property, they will normally not be blameworthy, or at least less so (see [Responsibility](#); [Praise and blame](#); [Crime and punishment](#)).

But coercion raises several difficult questions. (1) What types of coercion are there? (2) Are force and threats the only means of coercion? (3) Does conduct have to be morally illegitimate in order to qualify as coercion? (4) Must the attempt to change a person's behaviour actually succeed? (5) Is there a single unified concept of coercion across different contexts or are there many irreducibly different concepts?

To a large extent, the philosophical discussion of these questions can be traced back to Robert Nozick's (see [Robert Nozick](#)) 1969 article 'Coercion', which has remained the most important modern contribution to the topic. However, the twenty-first-century discussion has also transcended Nozick's general category of coercion to some extent and started to focus increasingly on more specific ethical and political challenges.

1 Two types of coercion

Coercion comes in two types: physical and volitional. Physical coercion works through force and determines a person's bodily movements, e.g. when someone pushes another on the floor or imprisons them. By contrast, volitional coercion usually works through threats and arranges a person's situation so that they are compelled to perform a certain act to avoid harm, e.g. the robber's threat 'Your money or your life' arranges the situation so that a person must hand over money to avoid being killed. Thus, physical coercion need only involve someone being *acted upon*, whereas volitional coercion also requires that a person *act*. Almost all theorists assume that coercion requires a person or group of people, rather than mere circumstances, to exert the coercion.

In his 1969 article, Nozick focused on volitional coercion only and many followed him. Doing so seemed attractive because only cases of volitional coercion allow for questions about threats and offers as potential means of coercion and about the coerced person's agency, including coerced consent and wrongdoing, which were considered to be of particular interest.

However, others criticised this restriction to volitional coercion. Especially in the legal literature and in parts of the politics literature, people have argued that 'imprisonment [i.e. the use of physical force] is the paradigm form of coercion' ([Lucas, 1966](#): 60). In addition, medical ethics scholars have increasingly drawn attention to the use of physical force in 'coercing' people into treatment,

e.g. for anorexia nervosa or in the context of psychiatry more generally. Thus, even if Nozick highlighted volitional coercion as an especially interesting field of inquiry, physical coercion still holds its own conceptual, legal, political, and ethical questions that require sustained attention.

2 The means of coercion

The paradigmatic robbery example of coercion features a threat, e.g. ‘Give me your money or I will kill you’. It does not feature an offer, e.g. ‘Work for me and I will pay you’. Moreover, threats but not offers seem to share a key feature with coercion: they also restrict rather than extend a person’s freedom (see [Freedom and liberty](#)). Accordingly, many theorists assumed that only threats but not offers coerce.

Briefly stated, a threat is the proposal to make someone worse off if they do not comply with one’s demand whereas an offer is the proposal to make them better off. Thus, identifying something as a threat requires identifying the hypothetical situation compared to which a person would be made ‘worse off’.

Nozick called the hypothetical situation used in such comparisons the ‘baseline’ and he distinguished between a statistical baseline, i.e. the normally expected course of events, and a moral baseline, i.e. the morally required course of events.

Often, the two baselines coincide, e.g. it is normally expected as well as morally required that people are not shot if they refuse to hand over money on demand. Thus, both the statistical and the moral baseline explain why the proposal ‘give me your money or I will kill you’ is a threat. Sometimes, however, the two baselines diverge, as the following canonical example from Nozick shows:

Suppose that usually a slave owner beats his slave each morning, for no reason connected with the slave’s behavior. Today he says to his slave, ‘Tomorrow I will not beat you if and only if you now do A’.
([Nozick, 1969](#): 450)

The statistical baseline renders the proposal an offer: the slave owner proposes to make the slave better off compared to what would normally happen: the slave being beaten regardless of his behaviour. By contrast, the moral baseline renders the proposal a threat: the owner proposes to make the slave worse off compared to the morally expected course of events, i.e. not being beaten at all or being a slave in the first place.

To decide whether there is a threat or an offer, Nozick claims, we need to focus on ‘the course of events that the recipient of the action prefers’ ([Nozick, 1969](#): 451). Since the slave prefers the moral baseline, he is threatened.

Nozick’s account has been criticised for his understanding of the different normal and moral baselines ([Feinberg, 1986](#)), as well as for making the recipient’s subjective preference central to which baseline to pick ([Lyons, 1975](#)). However, he – and others who followed him – have also been criticised for considering only threats but not offers as coercive. For instance, Zimmerman rejected the restriction to threats and claimed that an offer can still coerce if the person proposing it actively prevents the addressee from being in a better situation, e.g. when someone offers a poorly paid job to a person while preventing them from seeking work elsewhere (see [Zimmerman, 1981](#)).

In addition, Feinberg argued that an offer coerces when it ‘rearrange[s] a person’s options in such a way that he “has no choice” but to comply or else suffer an unacceptable consequence’ ([Feinberg, 1986](#): 230), e.g. when a lecherous millionaire offers to pay for the life-saving treatment of an impecunious woman’s child if and only if the woman has sex with him. Note that Feinberg, unlike Zimmerman, does not require that the millionaire control the woman’s situation in any way for the offer to be coercive.

In practical and medical ethics (see [Applied ethics](#); [Bioethics](#); [Medical ethics](#)), the most widely discussed offers with coercive potential are monetary offers for participation in a clinical trial to people who have no other option to earn the money necessary to satisfy basic needs, monetary offers in the context of the sale of body parts (e.g. kidneys or egg cells), and the offer of (earlier) release from prison to sex offenders if they consent to chemical castration as a way of reducing the likelihood of them re-offending.

Moreover, the most recent scholarship has also gone beyond the dichotomy of threats and offers. Scholars have suggested that nudging, i.e. the triggering of certain kinds of psychological mechanisms, can be coercive. For instance, Caloia mentions a case in which ‘[r]esearchers in El Paso have placed mirrors inside the front wall of shopping carts in an effort to make shoppers more cognizant of themselves and their weight during the act of buying food’ ([Caloia, 2015](#): 245). Caloia argues that such a measure can trigger feelings of shame in obese people, impose considerable psychic costs on them, and thereby become a potentially coercive influence on their behaviour (see also [Paternalism](#)).

In addition, there is a debate over whether moral and implicit social pressure can be coercive when someone has to decide whether to donate an urgently needed organ to a family member. Seeing no morally acceptable alternative to donating a kidney to a spouse or being subjected to strong social expectations regarding one’s donation may impose considerable, and according to some also coercive pressure on a person’s decision-making.

Finally, scholars have argued that the physical coercion of imprisonment can create further volitional coercion on inmates when it comes to requests from superiors. Being physically confined to a very restricted environment and subjected to the control of prison guards may make inmates feel that they could not refuse anything they are asked or offered, and such a feeling, generated by physical coercion, may eventually amount to volitional coercion.

3 The moralisation of coercion

The paradigmatic robbery example of coercion ‘Your money or your life’ features not just any kind of threat but an illegitimate threat. Moreover, coercion often carries a negative moral connotation. Accordingly, proponents of so-called ‘moralised views’ claim that the moral illegitimacy of a proposal, e.g. a threat or an offer, is a necessary condition for it to qualify as coercion in the first place: illegitimate proposals coerce whereas legitimate proposals do not.

Proponents of moralised views agree that a proposal is illegitimate if the proposed act, e.g. executing the threat, would wrong the person addressed (e.g. the threat to murder them) or, on less demanding views, is at least the kind of act that would normally wrong a person, even if it does not do so in the situation under consideration (e.g. a threat to harm them) (see [Deontological ethics](#)). Note that wronging a person in this sense is equivalent to making the person worse off relative to the moral baseline.

A subgroup of moralised views added that a proposal is also illegitimate if the proposed act, albeit legitimate on its own, is unduly connected to what is demanded, as in cases of blackmail: a person may threaten to report another person's crimes to the police if they do not enrol in a clinical trial. Although reporting crimes is itself a legitimate act and does not make a person worse off relative to what they are morally entitled to, the proposal exerts undue pressure and is therefore illegitimate.

But the illegitimacy of a proposal is not the only place where some theorists define coercion in irreducibly moral terms. Another subgroup of moralised views, e.g. Wertheimer's 'two-pronged theory' ([Wertheimer, 1987](#)), claim that something can be an instance of coercion only if the victim is also morally entitled to surrender to the pressure and act as demanded. For instance, one may not be morally entitled to surrender if there is a threat to have one's flowers trampled unless one kills someone, but one may be morally entitled to surrender if there is threat to have one's arm cut off unless one damages a car.

Moralised views are defended on two main grounds: first, proponents argue that moralising coercion is necessary to capture coercion's wrongful nature as well as what we intuitively consider coercive, e.g. that the employer's illegitimate proposal 'Sleep with me or I will fire you' is coercive whereas his legitimate proposal 'Fulfil your duties at work or I will fire you' is not. Second, they argue that only by moralising coercion can coercion be understood as vitiating consent and mitigating blameworthiness. This is because, on their views, pressure vitiates consent and reduces blameworthiness in many cases only if such pressure was also wrongful (and the person pressured was morally entitled to surrender to it). Moralised views mostly focus on threats and offers rather than physical force.

By contrast, proponents of so-called non-moralised views of coercion deny that the moral illegitimacy of an interference, e.g. a threat, or the moral entitlement to surrender has any bearing on whether there is an instance of coercion. They claim that coercion can be explained in non-moral terms only.

Some proponents of non-moral views retained a strong focus on neutral baselines. For instance, Zimmerman explains that threats coerce when they propose to make people worse off relative to a statistical baseline ([Zimmerman, 1981](#)), and Olsaretti argues that threats coerce people when they propose to make people 'unacceptably' worse off, where unacceptability is determined by an objective list of needs ([Olsaretti, 2004](#)). Both Zimmerman and Olsaretti stress that their baselines are morally neutral. Zimmerman also claims that his explanation of why certain offers coerce does not invoke claims about moral illegitimacy either.

Other non-moralised views departed from the focus on baselines. For instance, Feinberg explains coercion exclusively in terms of how harmful a person considers the alternatives they must choose between and the psychological pressure they experience ([Feinberg, 1986](#)). Moreover, Anderson explains that one person coerces another when the former uses a significant power differential 'to constrain or alter the latter's possibilities for action' ([Anderson, 2010](#): 1). Both Feinberg and Anderson stressed that they do not need to invoke any moral judgement to define harm and psychological pressure (Feinberg) or the use of power differentials (Anderson).

Proponents of non-moralised views claim that they, and not those holding moralised views, are best equipped to capture what we intuitively consider cases of volitional coercion, e.g. that the robber's illegitimate threat 'give me the money or I will shoot' as well as the police officer's legitimate threat 'drop the gun or I will shoot' are both coercive. Moreover, proponents of non-moralised views claim that they can avoid the flaws of their moralised counterparts, namely making

the concept of coercion redundant, falling prey to circularity, and reversing the correct explanatory order. Finally, proponents of non-moralised views claim to align better with the debate on coercion in political philosophy, where a state's use of force and threats is often considered an instance of coercion irrespective of its moral quality.

However, proponents of non-moralised views often admit that they cannot directly explain when coercion vitiates consent or exculpates wrongdoing. They admit that providing such an explanation may require either some reference to the illegitimacy of a proposal or at least a certain value judgement about whether, for instance, the alternatives a person had to choose between were harmful enough to exculpate wrongdoing on their part or vitiate their consent.

4 The success of coercion

Most theorists think that 'coerce' is a success verb, so that unless a person is coerced into something, there is no coercion (see [Berman, 2002](#)). In cases of physical coercion a person needs to be physically controlled, and in cases of volitional coercion, the victim needs to perform the act demanded *and* do so in order to avoid the threatened harm. Thus, in the latter case, there is no coercion if the victim of a robbery either does not comply with the robber's demand or complies for the wrong reasons, e.g. when the victim thinks the gun is fake but hands over the money because they pity the robber.

Sometimes, success is integral. For instance, in order to discuss questions about consent, blame, and responsibility, coercion has to be successful in forcing people to consent or act wrongly. However, outside those debates, many theorists have rejected the claim that 'coerce' is a success verb (e.g. [Lamond, 2000](#)). They have often focused on the coercer and considered coercion to be a particular technique for controlling other people's action: thus, even if a person does not comply with a threat and suffers the consequences, there was nevertheless coercion, understood as a way of altering someone's situation.

5 The contexts of coercion

We make claims about coercion in a variety of contexts, e.g. when we describe types of interference and constrained situations (see [Respect for persons](#)), when we reject the appropriateness of blame (see [Responsibility](#); [Praise and blame](#); [Crime and punishment](#)), and when we explain the invalidity of consent (see [Consent](#)).

However, what counts as coercion in one context may not count as coercion in another. For instance, suppose one is threatened with having one's window broken unless one kills another person. Such a threat may be sufficient for 'coercion' understood as wrongful interference by means of threats. Yet, it may not be sufficient for the kind of coercion that would reduce blame or responsibility for the killing. Killing is just too serious a wrongdoing to be excused or justified by having been under threat to one's windows. Finally, consider consent: a threat to have one's windows broken unless one consents to something may also not be serious enough to qualify as the kind of coercion that could invalidate that consent, e.g. consent to a contract, sex, or medical procedure. This is because there may be possibilities other than consenting to escape the coercive threat or possibilities to demand compensation if the coercer later carries out the threat.

Therefore, some theorists have denied that there is a 'single unified conception of coercion' ([Berman, 2002](#): 46) across all these contexts, even if we restrict the focus to coercion by threats

only, and added that we need to distinguish (at a minimum) between coercion_{(wrongful)interference} (i.e. the use of threats which qualifies as wrongful interference), coercion_{blame-reducing} (i.e. the use of threats which reduces another person's blameworthiness), and coercion_{consent-invalidating} (i.e. the use of threats that invalidates another person's consent).

For some, e.g. [Ferzan \(2019\)](#), the differences between these notions of coercion seem to be differences in degree: coercion has the same conditions across all contexts but those conditions are more or less exigent in each context. Sometimes, the threatened harm is severe enough to make it qualify as coercion_{(wrongful)interference} but not to make it qualify as coercion_{blame-reducing} or coercion_{consent-invalidating}.

For others, however, there are differences in *kind*. [Berman \(2002\)](#) argued that certain conditions of coercion, e.g. success in the use of force, are relevant in some contexts, i.e. coercion_{blame-reducing}, but irrelevant in others, coercion_{(wrongful)interference}. Moreover, [Garnett \(2018\)](#) claimed that coercion is sometimes concerned with things that, deontologically speaking, *wrong* people, e.g. when they are threatened by others (see [Deontological ethics](#)) and sometimes with things that are, axiologically speaking, *bad* for them, e.g. when a person's situation is so constrained that they have to accept other people's dire offers (see [Good, theories of the; Happiness; Right and good](#)).

Although the literature does not discuss these contextual differences in detail, it highlights the need to be cautious when making statements about coercion in general.

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