

What's Wrong with Coercion?
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1.

What's wrong with coercing someone into doing something? In a certain mood, it can seem puzzling that there is anything wrong with coercion *per se*.

Suppose A threatens B: "Stay out of Malibu, or you'll be sorry." And B has every reason to believe he will indeed be sorry if he shows up in Malibu again. And so B stays out of Malibu. Most of us, will think, *prima facie* anyway, that A has done something wrong. There is perhaps some background we could fill in that would make it permissible for A to issue the threat. But in the absence of some special justification, this type of coercive threat is objectionable.

But what exactly has A done to B, so far, that B can object to? Of course, it would be wrong of A to carry out her threat and, say, break B's legs. But A hasn't done that yet and, in fact, won't do that, because B, we can suppose, will stay out of Malibu.

So A has *not* done one thing that would be impermissible, namely, break B's legs. We can't fault her for that. She has threatened to break B's legs. Perhaps simply issuing a threat to do something impermissible is itself impermissible. There is something to be said for this. If A simply said to B, "I'm going to break your legs tomorrow," we might think that, by making this plain threat, A has already done something wrong. This might be so for a couple of reasons. First, such a statement would understandably cause B anxiety and distress. It's not that this is in itself always wrong -- if A were a doctor and told B she would have to operate on his legs tomorrow in order to save his life, this too would cause distress. In the case of the threat however, there is no need to cause the man distress, because A should not do the thing threatened in the first place. Second, it might simply be wrong to *intend* to do what is impermissible. So, making a threat might, on the

one hand, have psychological effects on the recipient, which renders it impermissible. On the other hand, it may represent an intention to do evil, and this is itself wrong.¹

I doubt that the wrong of the coercive threat can be captured by the wrong of threatening more generally. The first consideration – the anxiety and distress caused by the threat – actually seems more readily avoided in cases of coercion. B need not be distressed by the prospect of having his legs broken – assuming he decides to stay out of Malibu, he has no reason to think his legs will be broken. Thus we get the odd conclusion that the more likely it is that B will succumb to A's threat, the more confident A can be that her threat won't cause B much anxiety about his legs. And therefore A can be confident that she won't wrong B in that way – namely, by causing him unnecessary distress.

The second consideration – the wrong of intending evil – might well be an aspect of what makes coercion wrong, but it can't be the whole story. For one thing, while it may be wrong to intend to do something impermissible, it is hard to see how this is a wrong specifically against B in the way that coercion is surely a wrong against B. Imagine that A had not announced to B her intention to break his legs. Would B have any complaint against A? Intending this might make A a vicious person, and A certainly should not have formed such an intention. But A shouldn't intend to break B's legs because B has a right not to have his legs broken. It's not clear that B has a separate right that A not *intend* to break his legs. Suppose A changed her mind. We could perhaps criticize A for having formed the intention in the first place. But the criticism would not be that A had violated B's rights but that A had intended to violate B's rights. And merely intending to violate B's rights is not yet to violate B's rights. But in coercing B, it seems hard to resist the intuition that A has *already* treated B in a way he has a right not to be

¹ Cf. Thomas Nagel, *The View From Nowhere*, (Oxford, 1986), pp.181-182.

treated.

Moreover, it seems that A has done something wrong in coercing B even if A's threat is a bluff. The wrong of coercion doesn't rely on the coercer's actually intending to carry through on her threat. The characteristic wrong of coercion, then, can't be reduced to the wrong of intending to do something impermissible. And in general, there seems to be something distinctively wrong with coercive threats – threats that are conditional on what the recipient does or does not do – something that goes beyond whatever is wrong with making a plain threat. But what is it?

2.

It seems clear enough that what makes coercive threats wrong has something to do with the manipulative aspect of such threats – the fact that they aim to get someone to do something she wouldn't otherwise do. And there is of course some sense in which a coerced choice is not a free or autonomous choice. But there is a question about how to best to cash this out. According to some views, when a person is coerced into doing something, what we should say is that she has no real choice in the matter. She is forced to do it, or she is not really the agent of the action. If we can make sense of these claims about how to qualify a person's actions when she is coerced into performing them, this may lead us to an account of what is wrong with coercion.

Now it does seem natural to think that, when a person is coerced into performing an action, there is a sense in which he has not really chosen to act in that way, or at any rate that the choice is not a free one. Raz, for example, says that coercion invades another's autonomy. This is so, he thinks, because in order to be autonomous one must not be "subject to another's will."² He thinks it's clear that a person who is coerced into

² See Joseph Raz, *The Morality of Freedom* (Oxford University Press, 1986) p. 378.

doing something is subject to the will of the coercer.

It's unclear how much this contributes to an account of what makes coercion wrong. The idea that autonomy requires not being subject to another's will is perhaps illuminating as a thesis about autonomy. It may tell us, for example, that autonomy involves an irreducible relational element. But the claim that by coercing someone you subject her to your will – and thus undermine her autonomy – will not tell us what is wrong with coercing someone unless we have an independent grip on the notions of autonomy or of being subject to another's will.

Indeed, any account that appeals to autonomy and related notions in order to explain why coercion is wrong will need to do two things. First, it will need to provide an independent conception of autonomy that is of some recognizable value. And second, it must explain how coercion undermines autonomy so conceived. If the first condition is not met, then the account will not have any real explanatory power. If the absence of coercion is built into the conception of autonomy we are working with, then the claim that coercion renders the choice non-autonomous will be trivial. It will, therefore, be uninformative as an account of what is wrong with coercion. This seems to be a problem with Raz's remarks about coercion as a way of subjecting another to your will, at least if they're intended to explain what is wrong with, or bad about, coercion. For what is it to subject another person to your will? If all we can do is point to coercion as a paradigm case of this, then it seems we are left, at bottom, with the claim that coercion is wrong because it's *coercive*.

Of course, not all conceptions of autonomy have, built into them, the condition that autonomous action is not coerced. Some philosophers have thought, for instance, that a notion of autonomy that centers on the agent's motivations or motivational capacities will help with a substantive explanation of what's wrong with coercion.

When thinking about autonomy in this way, the relevant question is sometimes taken to be, "Were the agent's actions or motives under her control?" And sometimes it is, "Did the agent endorse or identify with the motive that led her to act?" Harry Frankfurt takes both of these questions to be relevant in different ways to the issue of coercion. So it will be helpful to consider his view.³

Frankfurt claims that someone who is coerced "is *compelled* to do what he does. He has *no choice* but to do it."⁴ What he means by this is that the person who is coerced is unable to resist the desire to avoid the consequence being threatened and so, in that sense, has no alternative to doing what the coercer wants. Frankfurt thinks that this is part of what explains why people are not morally responsible for what they are coerced into doing.

Now, Frankfurt thinks that being powerless to resist taking a certain action is not sufficient to establish that one is coerced. This is because he thinks that it's possible to be presented with an offer so attractive that one might not be able to refuse it. But he is hesitant to say that making such an attractive offer amounts to coercion. And so he adds, as a further condition, that the coercee must prefer not to act on the desire that actually moves her. Thus, if P succeeds in coercing Q into doing x by threatening some consequence C if Q does not do x, then Q must (1) be moved by a desire to avoid C that she is literally unable to resist and (2) prefer not to be moved by that desire.

One problem is that, if this is what it takes for there to be a case of genuine coercion, it probably happens only very rarely, if at all. Surely in most cases of what we'd normally call coercion, the coercees do not face literally *irresistible* threats. Even where someone is threatened with some truly dreadful consequence, there is a difference

³ Harry Frankfurt, "Coercion and Moral Responsibility," in *The Importance of What We Care About* (1988).

⁴ *Ibid.* p. 36. (Emphasis in the original.)

between being unable to resist succumbing to the threat and its being the overwhelmingly obvious choice to make. The fact that it would be entirely unreasonable to do anything else does not mean that doing something else is impossible. Given this distinction, any account that attempted to explain the wrong of coercion by appeal to irresistible motives would be incomplete.

As it turns out, Frankfurt can bypass this objection. For he thinks that even if the desire the coercee acts on is not irresistible, her autonomy is violated if she does not endorse or identify with the motive that leads her to act. And Frankfurt thinks this is always the case when someone succumbs to a threat. A person, says Frankfurt, "acts in some way against his own will when he submits to *any* threat. In submitting to a threat, a person invariably does something he does not really want to do" (p. 43). It emerges that for Frankfurt, a threat leads one to do something one "does not really want to do" because it causes the coercee to act on "a motive from which he would prefer not to act" (p. 43). In this sense, the victim does not act autonomously because he does not identify with or endorse the motive that causes him to act.

It is difficult to believe, however, that victims of coercion do not identify with their motives – and thus fail to act autonomously – in the way Frankfurt suggests. If you threaten my life in order to get me to fork over my money, I'll do it because I want to live. This is a desire I fully, wholeheartedly identify with. There is a sense in which it's true that I don't really want to give you my money. But this is because I don't want to be in this situation; I wish you hadn't threatened me in the first place. But this is different than saying that I don't endorse the motive on which I act *in* this situation.⁵ Thus, while Frankfurt does provide an independent conception of autonomy, he fails to make it plausible that coercion does anything to undermine a person's autonomy in this sense.

⁵ Japa Pallikkathayil makes the same basic point against Frankfurt in her Ph.D. Thesis, "Your Money or Your Life" Harvard (2008).

These objections aren't conclusive, but they do highlight a general problem with attempting to specify the wrong of coercion by appeal to some sense in which the coercee's choice is defective -- non-autonomous or involuntary or non-rational or whatever. Although a coercive threat may often involve distorting influences such as fear, it primarily works by altering the reasons the recipient has for pursuing certain options over others. But responding to changes in one's situation that make certain alternatives more attractive or reasonable is just what acting rationally and autonomously normally involves. The fact that the situational change that affects one's reasons is due to a *threat* is not in this respect relevant. To be sure, from the point of view of the victim, the overall situation is hardly desirable. But people frequently make free, rational decisions in less-than-ideal circumstances. It turns out to be very difficult to supply an understanding of what it is for a choice to be *unfree* that (a) is independent of the choice being *coerced*, and (b) makes it plausible that, in central cases of wrongful coercion, the coercee's choice is unfree in that sense.

3.

We cannot, then, identify the objection to coercion merely by asking how one who is faced with a coercive threat goes about selecting and pursuing a course of action from the available alternatives. The real objection lies, rather, with the alternatives that are in fact made available to the coercee. One way of specifying the problem would be to note that coercive threats restrict the options available to the recipient of the threat. In this sense, coercion constrains the victim's choice. Perhaps we can develop an account according to which this amounts to a wrongful invasion of autonomy.

If I make a coercive threat – if I tell you, for instance that I'll break your legs if you don't stay out of Malibu – I limit your options. It's not that hanging around in Malibu

is no longer an option for you. It's that you no longer have the option of hanging around in Malibu with your legs intact.⁶ A coercive threat limits the options of its recipient in that it removes the option of both avoiding the threatened consequence *and* doing the thing the coercer has demanded not be done. Now, it is often true that one is worse off the fewer options one has available. This is not always true, of course. But in cases of coercion – at least wrongful coercion – it's very likely that the option removed by the threat is one that the coercee would prefer to have open to her. If this were not true, the threat would either be unnecessary or ineffective.

We have thus identified a way in which a coercive threat makes its recipient worse off. This may suggest that what is wrong with coercion is that it makes the coercee worse off by removing an option she would prefer to have open to her.

The problem is that there are many ways of restricting a person's options that don't involve coercion. I make a bid of a hundred thousand dollars on a houseboat at a police auction. Now you can no longer purchase it for eighty. When I take the last seat at the bar, you have to stand or go find somewhere else to drink. There doesn't seem to be anything wrong with such ordinary ways of limiting another person's options. Sitting down on a barstool and thus forcing you to stand or go elsewhere is permissible. Telling you I'll pour my beer over your head if you sit down is not. You have no claim against me not to limit your options in the first way; you do have a claim against me not to do so in the second way.

We are left with a question, then, as to why the coercive restriction of options is so objectionable when there are myriad other ways one's options might be limited that are

⁶ In saying this I'm assuming the threat is credible. But a related point can be made even without this assumption. There is an important sense in which one can be said to lack an option if one merely *believes* (or, we might add, believes with good reason) that a certain possibility is closed off. This is because, even if, objectively speaking, a certain option is open, if one nevertheless believes that it is unavailable, it cannot sensibly figure in one's thinking about what to do. In this sense, the threat need only be credible in that there's good reason to believe it, rather than that the threat will in fact be carried out.

perfectly legitimate. We cannot locate the wrong of coercion in the mere fact that it reduces a person's options.

4.

I want to argue, however, that a coercive threat constrains the recipient's choice in a sense that goes beyond the brute elimination of options. It's the fact that coercion constrains choice in this further sense that explains why, in many instances, coercion is wrong.

Before I make my case for what makes wrongful coercion wrong, it will be helpful to have a sense of *when* coercion is wrong. It's not always impermissible to threaten someone in order to get them to do or refrain from doing something. A boss may threaten to fire her employee if he doesn't get his TPS reports in on time. A potential car-buyer may threaten to go elsewhere if the dealer doesn't throw in the extended warranty. Contrast these cases with cases of clearly *impermissible* coercion: "Your money or your life;" "I'll break your legs if I catch you in Malibu again;" "If you don't get off of my barstool, I'm going to pour beer all over your head."

If we think about these examples (and many others), it seems that in cases where we intuitively take the threats to be impermissible, the threatened conduct is itself impermissible. This is certainly true in the second set of examples I listed above. On the other hand, where the threatened conduct is permissible (e.g., going elsewhere to shop for a car), it often seems that making the threat is as well. If, generally speaking, it's true that the permissibility of making a threat is correlated with the permissibility of what's being threatened, then, since we're interested in what makes coercion *wrong*, we should narrow our focus to those cases of coercive threats in which the threatened conduct is itself impermissible.

In cases of wrongful coercion, then, the person being threatened faces a peculiar deliberative situation. She now has to take into account the fact that opting for certain courses of action will likely lead another to treat her in ways that are morally prohibited. I want to suggest, however, that one generally has a claim against having to consider, in deliberating about what to do, the possibility that others will behave impermissibly as a result of the decision one makes.

Let's say that a person has *deliberative security* with respect to a particular option P if one can, given the circumstances, rationally proceed on the assumption that whether others act permissibly does *not* depend on whether one chooses in favor of P. For example, if, in thinking about whether you should take a trip to Malibu, you have to take into consideration the likely fact that I will break your legs if you do take the trip, then you lack deliberative security with respect to the option of going to Malibu. I suggest that, for any option one has available, one is morally entitled to deliberative security with respect to that option. Call this the *deliberative security thesis*. The characteristic feature of wrongful coercive threats is that they undermine a person's deliberative security with respect to some option otherwise open to that person. It is this feature that accounts for the impermissibility of such threats.

Do we have reason to believe the deliberative security thesis is true? The case for accepting the thesis is clearest, I think, when what's being threatened is a violation of the coerced's rights. The assumptions supporting the thesis in this case are (1) if one has a right to X, then one is entitled to expect X; and (2) the entitlement to expect that one's rights will be respected is not contingent on any (permissible) decisions that one makes. Consider: if I have a right against you that you not deliberately break my legs, then I am (morally) entitled to *expect* you not to break my legs. This is not the same as saying that I am epistemically warranted in the belief that you will not break my legs. Indeed, it would

be foolish of me to ignore a threat to the contrary. But part of the point of having a right, I take it, is that it provides some security that one can rely on in making plans for the future. This is a security one is morally entitled to insofar as one has the right in question.

One might lose that security, however, without actually having one's right violated. Nevertheless, even when one is merely deprived of the ability to (rationally) rely, in one's deliberation and planning, on the expectation that one's rights will be respected – i.e., when one is deprived of the deliberative security that is provided by having a right – one loses something of significant value. The claim is, then, that one wrongs a person if one undermines the deliberative security provided by that person's rights.

We can understand the general wrong of undermining a person's deliberative security as consisting, moreover, in an illicit transfer of responsibility. Suppose, for instance, that a mugger threatens to shoot you if you don't give her your wallet. Now, effectively, it is up to you to decide whether to do one thing and be shot, or do something else and walk away unharmed. From your point of view, it is as though you are now responsible for ensuring that your right not to be shot is respected. But this is a responsibility that properly falls to others – including, relevantly, the other who is now pointing a gun at you and demanding your money. In making her demand however, the mugger forces you into a position where it is now essentially up to *you* to make sure your right will not be violated. This is because the mugger makes you aware, via her threat, that whether you will be shot turns on the decision you now have to make. Your life depends on handing over your wallet, and the choice is yours.

It might be thought that no real transfer of responsibility does occur in cases of coercion. The mugger still has a responsibility not to shoot you and threatening you could not change this. This is correct, of course. But it does not follow that your responsibility

with respect to your own rights has not therefore been wrongly extended. We all bear a certain degree of responsibility for protecting ourselves from harm. And, I think, it's safe to assume this includes the responsibility to protect ourselves against metal objects slamming into our bodies at very high speeds. Your responsibility in this regard comes into play when faced with the mugger's threat. There is no reason to think you would be entirely blameless if you were shot as a result of refusing to hand over your money. Of course, it's the mugger who's primarily to blame. Nevertheless, you probably also acted recklessly and with disregard for your well-being and perhaps the well-being of those who depend on you.

If this is right, then the victim of coercion does take on a responsibility she should not have to bear. Though we are all to some extent responsible for protecting ourselves against harm, this is a responsibility we share with others. In particular, we all share this responsibility according to terms set by moral principles for determining the permissibility of various actions. But one can fail to meet one's responsibilities regarding, say, another person's right not to be shot, even without actually firing a gun. For one can threaten to shoot a person as a way of getting her to do what one wants. By coercing another, one undermines the person's deliberative security with respect to a certain option -- for instance, keeping her money. The coercee must now, in deciding whether to pursue that option, take into consideration the likely fact that if she goes that way, the coercer will violate her rights. She is thus in the position of having to take responsibility for ensuring that her rights are not violated in this way. And this is a responsibility that properly falls to the person issuing the threat. The coercee should not have to bear it.

In coercing someone by threatening to do something impermissible, one thereby undermines that person's deliberative security with respect to at least some of her options. That is to say, wrongful coercion undermines its victim's freedom to rationally deliberate

about what to do on the assumption that others will respect her rights⁷ no matter what she decides. In undermining this freedom, the coercer illegitimately transfers to the coerced the responsibility for ensuring her rights are not violated. It seems clear that this constitutes a mode of influence one is entitled to be free of. Thus, we have an explanation of why coercion is wrong.

⁷ And will not otherwise act impermissibly