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Coercion: The Wrong and the Bad*

Michael Garnett

The idea of coercion serves two distinct moral functions and, correspondingly, consists of two overlapping but distinct concepts: one that serves to mark out a type of moral wrong, and one that serves to mark out a type of moral bad. The distinction between these two concepts holds the key to resolving a number of problems in moral and political philosophy, including questions about the coerciveness of the state and questions about the coerciveness of various kinds of economic transaction.

The idea of coercion is one that has played, and continues to play, at least two importantly distinct moral-theoretic roles in our thinking. One, which has been the focus of a number of recent influential treatments,¹ is a primarily *deontic* role in which claims of coercion serve to indicate relatively weighty prima facie wrongs and excuses. The other, by contrast, is a primarily *axiological* or *eudaimonic* role in which claims of coercion serve to pick out instances of some distinctive kind of pro tanto human bad (such as unfreedom or interpersonal subjection). As I argue in this article, this turns out not to be a simple case of one idea put to two different uses, but rather a case of two subtly distinct ideas in need of separate philosophical treatment.

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1. See esp. Alan Wertheimer, *Coercion* (Princeton, NJ: Princeton University Press, 1987); see also Mitchell N. Berman, "The Normative Functions of Coercion Claims," *Legal Theory* 8 (2002): 45–89; William A. Edmundson, *Three Anarchical Fallacies: An Essay on Political Authority* (Cambridge: Cambridge University Press, 1998).

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Although often relatively neglected, the primarily eudaimonic concept of coercion is of enduring importance to both liberal perfectionist and socialist political moralities, as well as to personal ethics. This article aims to elucidate it and to examine its relationship to its better-theorized deontic cousin. In addition, the article seeks to show how a better understanding of these two overlapping concepts can enable us to resolve certain important and long-standing theoretical disputes about coercion—specifically, the dispute over whether coercion is an essentially moralized idea, and the dispute over whether (genuine) offers can be coercive.

The argument proceeds in the following way. Section I introduces the *weightily deontic* concept of coercion and reviews some well-known arguments to the effect that it requires an essentially moralized analysis. Section II contrasts this with a primarily *eudaimonic* concept present in both Bentham and Marx and of continuing significance to certain important strands of liberal and socialist thought. Section III then takes up the task of further elucidating this idea, arguing that (on its best understanding) to be coerced is not to be prevented by others from acting, but rather to be subjected to their foreign wills—a subtly distinct idea. In light of this, Section IV gives an account of the relevant kind of interpersonal subjection, and Section V deals with some objections. With the account in hand, then, Section VI returns to the distinction between the deontic and eudaimonic concepts, arguing that it enables us to provide plausible and ethically rich analyses of a wide range of cases (including, most notably, those involving “coercive offers”). Finally, Section VII considers some further implications of the approach, briefly applying it by way of illustration to the specific issue of capitalist wage relations.

I. COERCION’S WEIGHTY DEONTIC ROLE

It is often pointed out that although there may be any number of recognizable senses of ‘coercion’, not all of them are morally interesting. What is more, there has been increasing agreement that the morally interesting senses of “*A* coerces *B* into doing *x*” are those that permit inferences to one or more of three specific and relatively weighty moral conclusions. These are (1) *A* acts at least prima facie wrongly, (2) it is at least prima facie wrong to hold *B* fully responsible for doing *x*, and (3) it is at least prima facie wrong to hold *B* to *x* (where *x* is the giving of consent or the making of a promise).² Although these claims invoke only prima facie wrongs, strictly speaking, they are to be understood as setting relatively high justi-

2. See Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986), 148–49; Wertheimer, *Coercion*; Edmundson, *Three Anarchical Fallacies*, 74–77; Grant Lamond, “The Coerciveness of Law,” *Oxford Journal of Legal Studies* 20 (2000): 39–62, 47–48; Berman, “Normative Functions of Coercion Claims.” Note that nothing I say here contradicts Berman’s view that all relevant cases of (3) are in the end just cases of (2).

ficatory bars (the idea being, e.g., that one would need substantial moral justification to hold a person to the terms of a contract she had been coerced into signing). Call these coercion's three *weighty deontic senses*.³

Given this, what is it to be coerced? At least since the late sixties, a central dispute among coercion theorists has concerned *essential moralization*. According to the "moralizers," any convincing analysis of coercion must make essential reference to certain preexisting moral facts, such as the relevant parties' rights.⁴ According to the "nonmoralizers," coercion is amenable to a purely nonmoral analysis.⁵ For reasons I now very briefly sketch, the moralizers have generally seemed to have the upper hand in this debate.

Consider the following pair of cases:

Private Pharmacist. *B* urgently needs some medicine. *A*, a private pharmacist, offers to make up and sell *B* the medicine in return for \$50, a price that is easily affordable to *B* and entirely reasonable with respect to *A*'s costs. *B* pays the \$50.

Corrupt Pharmacist. *B* urgently needs some medicine. *A*, a publicly funded pharmacist required to dispense the medicine for free, demands a \$50 kickback in order to hand it over. *B* pays the \$50.⁶

3. In referring to deontological categories (such as rights, wrongs, the permissible, the impermissible, etc.), and to deontological frameworks more generally, I do not mean to suggest that these notions are available only to moral perspectives that are deontological all the way down. Such terms may, of course, also be used by indirect consequentialists and others who deny that these are fundamental moral concepts. Thus, use of coercion in what I am calling its "deontic" role presupposes no more than a shallow commitment to the validity of these deontological categories.

4. See Daniel Lyons, "Welcome Threats and Coercive Offers," *Philosophy* 50 (1975): 425–36; Vinit Haksar, "Coercive Proposals [Rawls and Gandhi]," *Political Theory* 4 (1976): 65–79; Martin Gunderson, "Threats and Coercion," *Canadian Journal of Philosophy* 9 (1979): 247–59; Cheyney C. Ryan, "The Normative Concept of Coercion," *Mind* 89 (1980): 481–98; Raz, *Morality of Freedom*; Wertheimer, *Coercion*; Craig L. Carr, "Coercion and Freedom," *American Philosophical Quarterly* 25 (1988): 59–67; Harry G. Frankfurt, "Coercion and Moral Responsibility," in *The Importance of What We Care About* (Cambridge: Cambridge University Press, 1988), 26–46; Edmundson, *Three Anarchical Fallacies*; Berman, "Normative Functions of Coercion Claims."

5. See David Zimmerman, "Coercive Wage Offers," *Philosophy and Public Affairs* 10 (1981): 121–45; Michael Gorr, "Toward a Theory of Coercion," *Canadian Journal of Philosophy* 16 (1986): 383–405; Lamond, "Coerciveness of Law"; Denis G. Arnold, "Coercion and Moral Responsibility," *American Philosophical Quarterly* 38 (2001): 53–67; Scott Anderson, "Of Theories of Coercion, Two Axes, and the Importance of the Coercer," *Journal of Moral Philosophy* 5 (2008): 394–422; Jan-Willem van der Rijt, "Coercive Interference and Moral Judgment," *Ethical Theory and Moral Practice* 14 (2011): 549–67.

6. See Wertheimer, *Coercion*, 207–8. See this work generally for many more such examples.

In both cases, *B* has little choice but to pay up. Yet it is reasonable to think that in *Corrupt Pharmacist A* acts wrongly, whereas in *Private Pharmacist* she does not, and that whereas in *Corrupt Pharmacist B* could justifiably seek to recover his \$50 on the grounds that his payment was coerced, in *Private Pharmacist* he could not. So only *Corrupt Pharmacist* seems to involve coercion in the “morally interesting” senses just described. Nevertheless, the cases are descriptively similar: in both, *A* refuses to dispense the medicine unless *B* hands over \$50. Thus, the relevant difference seems to lie not, say, in any purely structural features of *B*’s choice situation (such as the shape of *B*’s opportunity set), nor in any descriptive details of *A*’s immediate actions, but rather in the background distribution of rights—specifically, in whether or not *B* has a prior right to the medicine. If this is correct, then since what distinguishes the cases is a moral fact, and since only one of the cases involves coercion, it seems likely that coercion requires an essentially moralized analysis.⁷

Consideration of such cases therefore seems to draw us toward a moralized account, according to which (roughly) *A* coerces *B* only if *A* proposes to violate *B*’s all-things-considered rights.⁸ Note that, on this approach, merely proposing to violate *B*’s prima facie rights is insufficient for coercion, since prima facie rights are too lightweight to do justice to coercion’s weighty deontic roles. Thus, suppose that I threaten to stop you from climbing into my walled garden unless you first sign a certain contract. Although restricting your freedom of movement is a prima facie rights violation, I do not thereby coerce you into signing the contract—at least, not in any of the “morally interesting” senses currently at issue (e.g., the contract is not thereby invalid). Instead, a proposal to violate someone’s prima facie rights is merely prima facie coercive.

7. Of course, given that moral properties supervene on nonmoral ones, it should always be possible in principle—if one is willing to look hard and far enough—to find a nonmoral difference to match the moral one. The point of this type of argument is therefore not to prove that there can be no purely descriptive differences between coercion and noncoercion cases, but rather to suggest that what makes such differences relevant (when they are) is simply that certain moral differences supervene upon them.

8. Less roughly, I take a “moralized account of coercion” to be any account committed to the following claims (each corresponds to one of the three weighty deontic senses of coercion distinguished above): (1) *A* issues *B* with a coercive proposal in the sense relevant to determining whether *A* does wrong only if *A* proposes to violate someone’s rights in order to secure *B*’s compliance; (2) where *x* is a presumptive wrong, *A* coerces *B* into doing *x* in the sense relevant to determining *B*’s blameworthiness only if it is not wrong, or not as gravely wrong, for *B* to do *x* given the nature of *A*’s proposal (and other relevant facts); (3) where *x* is the making of some agreement with *A*, it is normally the case that *A* coerces *B* into doing *x* in the sense relevant to determining whether *B* is morally bound by *x* only if *A* secures *B*’s compliance by threatening to act in violation of someone’s rights. (For guidance as to the likely exceptions with respect to the last of these claims, see Berman, “Normative Functions of Coercion Claims,” 78.)

Others have ably defended the details of this approach, and I do not recapitulate their arguments here. Instead, I note two quite general worries about it as a theory of morally interesting coercion, both of which have some merit, and both of which I hope to address in this article. The first concerns the way in which essential moralization seems to prevent the idea of coercion from functioning as a basic moral concept and therefore from playing a foundational role in our moral and political theories.⁹ I briefly return to this *metatheoretical* limitation of the approach later. The second worry, which I pursue now, stems from a more prosaic concern: problem cases.

Consider the following:

Personal Ultimatum. *A* and *B* are dating. *B* is powerfully in love with *A* and cannot imagine any worthwhile life without *A*. *A* does not feel the same and is also irritated by *B*'s religious practices. *A* makes it known that unless *B* severs ties with *B*'s religious community, *A* will unilaterally terminate their relationship. *B* pleads with *A* to withdraw the ultimatum; *A* stands firm, and *B* complies.

Organ Sale. *B* is in extreme poverty, a situation for which *A* bears no direct responsibility. *A* offers to pay *B* \$1,000 for one of *B*'s kidneys, a sum far below its general market price. Seeing no other possible source of income, *B* accepts.

Legal Penalty. *B* often drinks and drives. The government (*A*) passes a law threatening a fair penalty for anyone found driving while drunk. *B*, though personally opposed to the law, complies with it so as to avoid the penalty.

On a moralized account, and given reasonable auxiliary assumptions, none of these cases involve coercion. This is because, plausibly, *B* has no all-things-considered right that *A* continue to date *B* (in *Personal Ultimatum*), no all-things-considered right to any of *A*'s money (in *Organ Sale*), and no all-things-considered right not to be fairly penalized for drunk driving (in *Legal Penalty*).¹⁰ Nevertheless, the intuition that *B* suffers coercion in one or more of these cases is extremely common.¹¹

9. See David Zimmerman, "Taking Liberties: The Perils of 'Moralizing' Freedom and Coercion in Social Theory and Practice," *Social Theory and Practice* 28 (2002): 577–609; Ian Carter, "Value-Freeness and Value-Neutrality in the Analysis of Political Concepts," in *Oxford Studies in Political Philosophy*, vol. 1, ed. David Sobel, Peter Vallentyne, and Steven Wall (Oxford: Oxford University Press, 2015), 279–306.

10. See Wertheimer, *Coercion*, 211; Berman, "Normative Functions of Coercion Claims," 86.

11. See, among others, Theodore Benditt, "Threats and Offers," *Personalist* 58 (1977): 382–84; Joel Feinberg, *The Moral Limits of the Criminal Law*, vol. 3, *Harm to Self* (Oxford: Oxford

Of course, the moralizers have a predictable response to cases like these. It is that although such cases may involve coercion in *some* sense, this is not what is (or should be) at issue. What should be at issue is whether they involve coercion in a morally interesting sense. And, according to them, coercion claims are morally interesting only when they support moral inferences of the three weighty deontic kinds described above (e.g., to the effect that *B* did not validly consent to selling *B*'s kidney, or that the state acts wrongly in threatening penalties for drunk driving). Only then, according to Mitchell Berman, do coercion claims "do real normative work"; indeed, "these are the *only* normative functions such claims serve."¹² Similarly, although all three cases involve what might be deemed "hard choices," according to Alan Wertheimer, "hard choices which do not arise from injustice are not coercive *in any important moral sense*."¹³

But this is too quick. Those who hold that some or all of these cases involve coercion may take this claim to carry a moral force different from the weighty deontic force on which proponents of the moralized account exclusively focus. For instance, even those willing to concede that in these cases *A* acts strictly within *A*'s all-things-considered rights, and therefore not wrongly in a narrow (rights-violating) sense, may nevertheless wish to say that in some of them *A* acts badly. And although we may concede that in these cases *B* suffers no all-things-considered rights violation, we might nevertheless wish to recognize a distinctive sense in which *B*'s life goes pro tanto worse by virtue of being on the wrong side of the relevant power relations. Even if they are not directly relevant to questions of right and wrong, then, such coercion claims may nevertheless be relevant to questions of good and bad.

II. COERCION'S EUDAIMONIC FORCE

The primary aim of this article is to vindicate the common intuition that cases like the three just introduced are indeed coercive. The proposal is

University Press, 1986), 215, 233; Lamond, "Coerciveness of Law"; Emily A. Largent et al., "Money, Coercion and Undue Inducement: Attitudes about Payments to Research Participants," *IRB: Ethics and Human Research* 34 (2012): 1–8. Of course, the moralized account may—especially with respect to *Legal Penalty*—be able to yield the conclusion that *B* is coerced prima facie. The problem, however, is that many seem to think that in these cases *B* is coerced all things considered.

12. Berman, "Normative Functions of Coercion Claims," 48 (emphasis added).

13. Wertheimer, *Coercion*, 234 (emphasis added). Note that, despite this statement, and in contrast to some other coercion theorists, Wertheimer in fact has a relatively generous view of the possible moral force of coercion claims. In addition to the three roles discussed, he allows that such claims may also serve to show that *B*'s choice is "rooted in social injustice," such that there is a "(rebuttable) case for the mitigation of *B*'s background conditions" (234). Furthermore, Wertheimer is willing to concede that the language of coercion applied to hard choices as such may carry a certain eudaimonic moral force (233), albeit not the one I go on to explore.

that the idea of coercion plays for us two distinct but overlapping moral roles. One is a weighty deontic role, the point of which is to help us to navigate within the moral law. The other is a primarily axiological or eudaimonic role, the point of which is to help us to identify certain human goods and bads that contribute toward or detract from the flourishing of human lives. For the well-trodden reasons briefly surveyed in Section I, I take the moralized account to be a broadly correct elucidation of coercion as it functions in its weighty deontic role. However, I now seek to supplement this with an account of coercion as it functions in its primarily eudaimonic role, arguing that the two accounts taken together promise to yield a morally rich understanding of coercion.

It is worth noting that the distinction between a concept's primarily deontic and eudaimonic roles is one that also applies to a number of other moral concepts. For instance, Stephen Darwall draws a distinction between what he calls "autonomy as benefit" and "autonomy as demand."¹⁴ Taking his example, suppose that a child does not want to eat her broccoli. There is a certain good involved in a child's making her own decisions about what to eat; this is the good of autonomy or self-determination. Insofar as we wish to act in the child's interests, we ought to give weight to this. Nevertheless, the child has other interests too, and we may therefore be justified, all things considered, in forcing her to eat her broccoli. By contrast, suppose that a competent adult does not want to eat her broccoli. From the perspective of her good, matters are structurally similar: like the child, autonomy forms part, but only part, of her good. Unlike the child, however, the adult also has a weighty claim to a certain form of interpersonal respect that grounds a right to decide such matters for herself; this is the right of autonomy or self-determination. Thus, forcing an adult to eat her broccoli not only compromises but also violates her autonomy, meaning that it transgresses against a particular form of moral duty and does her a distinctive type of moral wrong. So in speaking of the adult's "autonomy" we may have in mind either of two things: an aspect of her good, or her right to certain forms of treatment.¹⁵

In a similar vein, consider liberty, understood "negatively" as noninterference. For some within the liberal tradition, such as J. S. Mill, the freedom to act without obstruction or hindrance by others is an important part of what it is to live a flourishing human life.¹⁶ For theorists such as

14. Stephen Darwall, "The Value of Autonomy and Autonomy of the Will," *Ethics* 116 (2006): 263–84, 265.

15. Note that one may accept a version of this distinction even if one believes that the latter is ultimately derivable from the former.

16. John Stuart Mill, *On Liberty* (London: Parker, 1859). See also Wilhelm von Humboldt, *The Limits of State Action* (Cambridge: Cambridge University Press, 1969); John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971); and (for an excellent general discussion) Ian Carter, *A Measure of Freedom* (Oxford: Oxford University Press, 1999), 32–67.

these, the idea of negative liberty plays a primarily eudaimonic role, inasmuch as it serves to pick out an aspect of, or an essential means to, the good. By contrast, for others—in particular, for “libertarians” such as Robert Nozick—negative liberty plays a primarily deontic role, serving to pick out the absence of a form of moral wrong (specifically, a “border-crossing” or property-right violation).¹⁷ Hence, when critics of unrestrained capitalism point out that to lack property in a private property system is to suffer considerable interference, and so to lack liberty, they typically deploy ‘liberty’ in the broadly eudaimonic sense whereby lives go badly insofar as their possibilities are curtailed.¹⁸ By contrast, when defenders of capitalism reply that so long as one has suffered no illegitimate interference one enjoys perfect liberty, they deploy ‘liberty’ in the alternative deontic sense whereby infringements of liberty are necessarily wrongful.¹⁹

My claim is that the idea of coercion plays a similar dual role. As we have seen, we often take the fact that a course of action would be coercive to strongly suggest that it would be impermissible to do it and the fact that an agreement has been coerced to strongly suggest that it would be impermissible to enforce its terms. Yet we also sometimes take the fact that a person is subject to pervasive coercion to indicate that her life is going badly, in that there are important human goods that she lacks. Indeed, as I now briefly illustrate, appreciating the latter fact is essential to understanding the role that coercion has played (and continues to play) in certain important political traditions.

Consider, for instance, Jeremy Bentham’s influential view that law is inherently coercive.²⁰ Given his broader theoretical commitments, this is clearly not best read as a thesis about rights: it is not, say, the claim that every law is a prima facie violation of natural right, a claim that he would have regarded as “simple nonsense.”²¹ Rather, its intended moral force is that every law involves some pro tanto setback to our interests. Thus, the “evil of coercion,” Bentham tells us, is “the pain which it gives a man not to

17. Robert Nozick, *Anarchy, State, and Utopia* (Oxford: Basic, 1974).

18. See Serena Olsaretti, *Liberty, Desert and the Market: A Philosophical Study* (Cambridge: Cambridge University Press, 2004); G. A. Cohen, “Freedom and Money,” in *On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy*, ed. Michael Otsuka (Princeton, NJ: Princeton University Press, 2011), 166–92.

19. See G. Barnes, “Why Is Coercion Unjust? Olsaretti vs. the Libertarian,” *Analysis* 72 (2012): 457–65; G. A. Cohen, *Self-Ownership, Freedom and Equality* (Cambridge: Cambridge University Press, 1995). (I revisit this dialectic in Sec. VII.) In addition to autonomy and liberty, note that the idea of subjection to a foreign will also has both a eudaimonic and a deontic face. For a deontic treatment of the notion, see Arthur Ripstein, *Force and Freedom: Kant’s Legal and Political Philosophy* (Cambridge, MA: Harvard University Press, 2009).

20. Jeremy Bentham, *Of Laws in General*, ed. H. L. A. Hart (London: Athlone, 1970).

21. Jeremy Bentham, “Anarchical Fallacies,” in *Selected Writings on Utilitarianism*, ed. Ross Harrison (Hertfordshire, UK: Wordsworth, 2001), 405.

be able to do the act, whatever it be, which by the apprehension of the punishment he is deterred from doing.”²² In Bentham’s view, therefore, coercion is not wrong in that it violates our rights; rather, it is bad in that it diminishes our utility. Moreover, the basic Benthamite thesis that all duty-imposing laws, even rightful ones, carry a special justificatory burden in view of their coerciveness is one that continues to play an important role in contemporary liberal thought, notwithstanding the general jettisoning of his narrow utilitarian framework. In particular, it helps underwrite the familiar move from the idea that there is a presumption in favor of freedom to the idea that there is a presumption in favor of smaller states (that is, states with fewer or less onerous laws). And since a rightful law is, by definition, not wrongful, this is a thesis that is very difficult to square with standard moralized accounts of coercion (as we saw with *Legal Penalty*).²³

In a different vein, consider Karl Marx’s claim that proletarian labor is “coerced.”²⁴ Again, this is not best interpreted as a claim about rights, a concept for which Marx also had little time; it does not appear, for instance, as part of a discussion concerning the validity of contracts. Instead, the claim is made in the course of Marx’s discussion of alienation, where it is intended to help describe and make sense of the “external character of labour for the worker . . . the fact that it is not his own, but someone else’s.”²⁵ The thought is that one aspect of a worker’s alienation under capitalism lies in the way in which she is, qua worker, subject to the will of her employer and so suffers pervasive coercion in the sense of suffering a specific failure of human flourishing. This, in turn, constitutes one plank of the traditional socialist critique of capitalism, that is, that capitalist wage relations systematically diminish workers as human beings and impoverish them with respect to important human goods.

If we are to have any hope of making sense of what theorists like Bentham, Marx, and their various followers have in mind in appealing to coercion, then we must recognize that this idea, like those of autonomy and liberty, is capable of playing not only a weightily deontic but also a primarily eudaimonic role in our moral thinking. What is more, recognizing these dual moral-theoretic roles opens the door to understanding what is going on in the three cases introduced at the end of Section I. For although these cases may not involve proposals to violate others’ all-things-

22. Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (Oxford: Clarendon, 1907), 175.

23. See also Haksar, “Coercive Proposals,” 73–74; Edmundson, *Three Anarchical Fallacies*; Anderson, “Of Theories of Coercion,” 412–14.

24. Karl Marx, *Economic and Philosophical Manuscripts of 1844*, trans. Martin Milligan (Mineola, NY: Dover, 2007), 72.

25. *Ibid.*, 72–73.

considered rights, and therefore coercion in its weighty deontic senses, they all (as I argue below) involve coercion in a eudaimonic sense. Moreover, since (as I also argue below) the latter notion of coercion is amenable to a nonmoralized analysis, recognizing coercion's dual roles also enables us to resolve the ongoing dispute about essential moralization.

III. COERCION AND PREVENTION

To make good on these promises, we will need a more precise understanding of coercion as it functions in its eudaimonic role. This means homing in on the exact moral bad that the concept serves to pick out.

Here is a start: coercion is essentially an enemy of freedom, and freedom is an important human good. So talk of (eudaimonic) coercion serves to track losses of (eudaimonic) freedom. That seems right. The next step, then, is to characterize the relevant notion of freedom. On one well-known analysis, freedom is fundamentally a matter of not being prevented by others from acting.²⁶ Call this *freedom-as-nonprevention*. The view that coercion essentially defeats freedom-as-nonprevention, that is, that coercion always serves to prevent people from performing actions (or combinations of actions) that they would otherwise be able to perform, is widely held.²⁷ Moreover, it suggests an answer to our current question, namely, that the distinctive moral bad of coercion is the closing off of possibilities for action. This is a view that merits careful examination.

I now argue, contrary to this view, that although coercion usually does serve to close off agents' options, it need not do so. The type of freedom that coercion necessarily defeats—and that it is the moral job of the eudaimonic concept of coercion to track—is not freedom-as-nonprevention, but a subtly distinct kind that I call *freedom-as-nonsubjection*. Both kinds of freedom are important human goods. Nevertheless, what matters fundamentally for coercion is whether, in acting, one's will is subject to, determined by, or under the control of the will of another, and not whether one's prospective actions are blocked by the actions of another. In this sec-

26. Isaiah Berlin, "Two Concepts of Liberty," in *Four Essays on Liberty*, ed. Isaiah Berlin (Oxford: Oxford University Press, 1969), 118–72; Hillel Steiner, "Individual Liberty," *Proceedings of the Aristotelian Society* 75 (1974): 33–50; Carter, *Measure of Freedom*; Matthew H. Kramer, *The Quality of Freedom* (Oxford: Oxford University Press, 2003).

27. See, e.g., Bentham, according to whom the "evil of coercion" is just the evil of "restraint" (Bentham, *Introduction to the Principles of Morals and Legislation*, 175); see also Christine Swanton, "Robert Stevens on Offers," *Australasian Journal of Philosophy* 67 (1989): 472–75, 475; Zimmerman, "Coercive Wage Offers," 134; Alan Wertheimer and Franklin G. Miller, "Payment for Research Participation: A Coercive Offer?," *Journal of Medical Ethics* 34 (2008): 389–92, 390.

tion I explain why coercion is not essentially a matter of prevention, and in the next section I give an account of freedom-as-nonsubjection.²⁸

It is relatively easy to show that coercion need not reduce options overall. For instance, consider the following case:

Forced Escape. *B* is a prisoner who has spent most of her life in jail and, as a result, has become profoundly “institutionalized,” terrified of being cut free from the rules and routines of the prison. During a prison riot, *B* finds herself with an opportunity to escape, albeit one she has no intention of taking. For reasons unknown, a fellow prisoner, *A*, threatens to beat *B* up unless she escapes, and *B* does so.

On any plausible account of coercion, *B* was coerced into escaping. Moreover, had she not been coerced, she would have remained in prison, and so she would now (after the riot) have far fewer options than she currently does. Being subject to coercion has therefore significantly increased her options. So coercion does not necessarily reduce options.

A similar case shows the same with respect to coercive proposals:

Corrupt Warden. *B*, a prisoner, is terrified by the prospect of life outside of jail. *A*, the warden, knows that *B* has important information related to a recent riot. However, *B* is disinclined to snitch on her fellow prisoners. In order to get *B* to talk, therefore, *A* proposes the following: either *B* talks, or *A* will arrange (by some corrupt process) for *B* to be released from jail immediately. Given *B*'s psychological state, the threat is extremely effective.

Here *B* receives a coercive proposal, but her options are not thereby restricted: to the contrary, they are dramatically increased.²⁹ So neither coercion itself nor receipt of a coercive proposal need reduce options.³⁰

28. As I explain below, what I here call “freedom-as-nonsubjection” is importantly distinct from the republican conception of freedom known as “freedom-as-nondomination.” See Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Clarendon, 1997); Philip Pettit, *On the People's Terms: A Republican Theory and Model of Democracy* (Cambridge: Cambridge University Press, 2012).

29. Lest it be claimed that the warden's proposal is in fact an offer—and so neither a threat nor coercive—for the very reason that it increases *B*'s options, note that almost every known account of the distinction between offers and threats classes it as a threat. See Steiner, “Individual Liberty”; Gorr, “Toward a Theory of Coercion”; Feinberg, *Harm to Self*, 216–18; Raz, *Morality of Freedom*, 148–49; Wertheimer, *Coercion*, 202–21; Robert Stevens, “Coercive Offers,” *Australasian Journal of Philosophy* 66 (1988): 83–95; Swanton, “Robert Stevens on Offers”; Robert Nozick, “Coercion,” in *Socratic Puzzles* (Cambridge, MA: Harvard University Press, 1997), 15–44; Andrew Hetherington, “The Real Distinction between Threats and Offers,” *Social Theory and Practice* 25 (1999): 211–42.

30. Cf. Carter, *Measure of Freedom*, 229–30. Although we are currently interested in coercion in its eudaimonic sense, it is worth noting that the same lesson applies to coercion in its weighty deontic sense, for *A*'s proposal violates *B*'s all-things-considered right to be treated

Nevertheless, these lessons are not strictly to the point, for few deny that coercion may sometimes be good on balance (think, e.g., of justified paternalism). So given that coercion is bad only pro tanto, the issue is not whether coercion essentially reduces options overall, but whether it necessarily eliminates at least one significant option. And there is good reason to believe that it does. For as has often been pointed out, a threat to bring about *C* if you do *x* always seems to eliminate the *conjunctive* option of doing *x* without *C* coming to obtain.³¹ In *Forced Escape*, for example, *A*'s threat denies *B* the option of remaining safely in jail, and in *Corrupt Warden A*'s threat prevents *B* from staying in jail without snitching. So a plausible supposition may be that coercion is pro tanto bad inasmuch as it always eliminates at least one significant option, and that this is what the eudaimonic concept of coercion is designed to track.

Plausible as it is, however, this supposition must ultimately be abandoned, for three reasons. First, in order to be prevented from doing *x* without *C* coming to obtain, it must be the case that, were you to do *x*, *C* would in fact come to obtain. But this is not always the case, for the threat may be a bluff, or it may, though sincere, be one that fails to materialize for some unforeseeable reason. Thus, suppose that, unbeknownst to anyone, it is the case that were you to defy a highwayman's demand he would collapse from a heart attack. Not knowing this, you fearfully hand over your money, and he continues on his way. You have been coerced. But you have not, as it happens, actually been prevented from doing anything, for (unbeknownst to you) you had the option of retaining your money unharmed all along. Some will be tempted to reply that, in this case, you were prevented by your ignorance. Yet even if ignorance can be a form of prevention, your igno-

with due process, and *B* is morally entitled to yield to it. So, again, *B* is coerced—despite the increase in options.

31. J. P. Day, "Threats, Offers, Law, Opinion and Liberty," *American Philosophical Quarterly* 14 (1977): 257–72; Feinberg, *Harm to Self*, 192; Raz, *Morality of Freedom*, 150; Carter, *Measure of Freedom*, 224–32; Kramer, *Quality of Freedom*, 195–204. Note that, on this view, a threat to bring about *C* if you do *x* leaves the atomic option of doing *x* intact. Against this, Philip Pettit has argued that such a threat is better understood as eliminating the atomic option (Pettit, *On the People's Terms*, 50–56). Briefly put, he takes options to be individuated by their desiderative features, and so, since a threat constitutes a new desiderative feature, he sees attaching *C* to *x* as a way of removing the original option (and replacing it with a new, less attractive one). However, although Pettit frames his position as a rival to the view that choice can be restricted only by prevention, this dispute nevertheless ultimately boils down just to one about which option is prevented (i.e., the conjunctive option or the original atomic option). For this reason, I treat Pettit's theory of interference (or at least of "objective" interference; see *ibid.*, 54–56) as simply a nonconjunctive variant of the "prevention" view currently under discussion.

rance of this particular fact was not brought about by another person. So still no one has prevented you from retaining your money unharmed.³²

Second, offers generally involve no loss of options, and some (such as that in *Organ Sale*) are coercive. Of course, the claim that offers can coerce is controversial. But there are only two general reasons for doubting that they can coerce, neither of which applies here. The first is that offers are not normally wrongful, a consideration that pertains to coercion in its deontic senses and that is therefore irrelevant in the present context. The second is that offers increase rather than decrease options, a consideration that is question begging in the present context. So there is no reason here to disavow the intuition that offers can coerce.

Third, even if it were the case that all coercive proposals reduce options, our aim is to understand the badness of coercion itself. And receiving a coercive proposal is insufficient for coercion, for you are coerced only when you succumb to a coercive proposal.³³ The problem is therefore that, once you have received the proposal (“Your money or your life”), you have lost the relevant conjunctive option regardless of what you subsequently choose to do, and therefore regardless of whether any actual coercion ensues. If you stand up to the threat (“Go on, shoot me!”), you have not been coerced, but you have lost the relevant options all the same. So even were prevention an essential feature of receiving a coercive proposal (which it is not, in view of the first two points above), it would still not be an essential feature of coercion itself.

A possible response to this final point might be that, nevertheless, the harm of being coerced is fully explained by the harm of receiving a coercive proposal. After all, it may be asked, once one has received the proposal, what additional bad could there be in acquiescing? Yet there is indeed such an additional bad—and, correlatively, a special good in standing firm against those who try to push us around, defying those who try to bend us to their wills, and resisting those who try to control us. If we do not understand this, we struggle to understand a good deal of human experience (e.g., the motivations and rallying cries of many liberation movements).³⁴ Of course, these goods and bads are strictly pro tanto—

32. Could the relevant bad be just the mere loss of options, as opposed to prevention by others? No, for many things restrict our options—fallen trees, poor health, the innocent preferences of others—and not all of these are instances of coercion.

33. Compare deception: one might receive a deceptive communication, but unless one actually falls for it one has not been deceived, and there has not in fact been any deception. See Michael D. Bayles, “A Concept of Coercion,” in *Coercion*, ed. James Roland Pennock and John W. Chapman (New Brunswick, NJ: Transaction, 1972), 16–29, 19; Wertheimer, *Coercion*, 203; Lamond, “Coerciveness of Law,” 52.

34. See Robert Nozick, *Philosophical Explanations* (Cambridge, MA: Harvard University Press, 1981), 49; Anderson, “Of Theories of Coercion,” 409–10.

standing up to a gunman is likely to be bad for one's eudaimonic state overall—and a well-designed coercive proposal will arrange your options such that, even with the special value of defiance factored in, it remains in your overall interest to yield. But this does not undermine the claim that such a special value obtains. And unlike freedom-as-nonprevention, this good—which I call freedom-as-nonsubjection—is one that is uniquely defeated by coercion itself.

IV. SUBJECTION TO FOREIGN WILLS

So coercion is not essentially a form of prevention. I have claimed that it is instead a form of interpersonal subjection. But what, exactly, is that?

The language of interpersonal subjection can be used to pick out a number of importantly different ideas. For instance, Arthur Ripstein invokes the idea of one's being "subject to the choice of another" as a way of drawing attention to a certain fundamental class of rights violation.³⁵ By contrast, I use it here to pick out a particular kind of eudaimonic bad. Differently, Philip Pettit uses the term "subjection to the will of another" (or, more famously, "domination") to refer to the absence of a certain type of counterfactually robust noninterference.³⁶ For him, *B* is subject to *A*'s will, or dominated by *A*, just in case *A* has the capacity to interfere arbitrarily in *B*'s choices. By contrast, I here employ the idea of subjection to a foreign will not as a conception of domination, but as a conception of *interference*. That is, for me the idea of interpersonal subjection constitutes a rival to the prevention-based interpretation of the basic idea of active interference that lies at the foundation of both negative and republican accounts of liberty. Moreover, I here take no view as to which of these (i.e., subjection or prevention) is the more appropriate for republicans to plug into their accounts of domination, focusing instead just on showing that what I call freedom-as-nonsubjection is the crucial idea when it comes to understanding coercion.³⁷

35. Ripstein, *Force and Freedom*. He also appeals to this idea in articulating an account of coercion as it functions in its weighty deontic roles.

36. Pettit, *Republicanism*; Pettit, *On the People's Terms*.

37. For his part, Pettit understands 'interference' in something like the traditional negative sense of intentional or negligent prevention (see n. 31). I note that one drawback of this is that it forces him to insist that refusable, "nonmesmerizing" offers are always noninterfering, thereby preventing him from seeing those vulnerable to receipt of "coercive" offers, such as *B* in Organ Sale, as victims of domination. See Pettit, *On the People's Terms*, 53–54; Philip Pettit, "Republican Freedom: Three Axioms, Four Theorems," in *Republicanism and Political Theory*, ed. Cecile Laborde and John Maynor (Oxford: Blackwell, 2008), 115–16. This is something that could be avoided by adopting the account of interpersonal subjection proposed here in place of Pettit's account of interference. Moreover, although I am happy to accept the republican point that mere vulnerability to coercion is its own distinctive type of eudaimonic bad, I here take no view on the broader dispute be-

This clarified, I take there to be three basic ways in which *A* might subject *B* to her will. First, *A* might physically obstruct or compel *B* in accordance with her will (e.g., by pushing *B* through a door). Second, she might arrange *B*'s options in such a way that *B* has no eligible alternative but to do as she wills (e.g., by making a threat). Third, she might arrange *B*'s preferences such that *B* is herself motivated to do as she wills (e.g., by manipulation or indoctrination). Each of these modes of subjection presents its own theoretical challenges and requires its own philosophical account. A complete theory of interpersonal subjection would provide analyses of all three. Here I provide an account only of the second.³⁸

This second mode of interpersonal subjection may be understood in terms of three more basic ideas. The first is that of *forced action*: to be subject to a foreign will in this second way, *B* must take herself to have “no choice”—that is, no reasonable, bearable, or eligible choice—but to do as she does.³⁹ The second is that of *interpersonality*: the forced aspect of *B*'s action must have been brought about in the right way by another person's will. Finally, the third idea is that of *foreignness*: *A*'s will must be

tween negative and republican theorists as to whether its absence also constitutes a distinctive and valuable form of political liberty. See Matthew H. Kramer, “Liberty and Domination,” in *Republicanism and Political Theory*, ed. Cecile Laborde and John Maynor (Oxford: Blackwell, 2008), 31–57; Ian Carter, “How Are Power and Unfreedom Related?,” in *Republicanism and Political Theory*, ed. Cecile Laborde and John Maynor (Oxford: Blackwell, 2008), 58–82; Pettit, “Republican Freedom”; Pettit, *On the People's Terms*.

38. All three modes suffice for coercion in the eudaimonic sense. Note that there is an important distinction between *A*'s subjecting *B* to her will, which is something that *A* does, and *B*'s merely being subject to *A*'s will, which is something that happens to *B*. To see the difference, suppose that your husband is a violent person, prone to striking out in rage when he doesn't get his way, and that you therefore have “no choice” but to cater to his wishes. It may be that he does not intend to have this effect on you—indeed, he may be so self-absorbed as to be generally oblivious to the effects of his violent conduct. In that case he does not subject you to his will, but you are nevertheless subject to his will. See Michael Garnett, “The Autonomous Life: A Pure Social View,” *Australasian Journal of Philosophy* 92 (2014): 143–58. This broader, nonintentional form of interpersonal subjection constitutes a significant form of unfreedom in itself, and one that remains essentially interpersonal in a sense sufficient to distinguish its harm from that of mere forced action. Moreover, its nonintentional character makes it particularly helpful when it comes to thinking about contexts of structural oppression. Nevertheless, I take the language of “coercion” to pick out the narrower, active form specifically, and this is what I focus on here. (The broader notion may, however, be understood in terms of the analysis of “active” subjection given below, albeit with condition [2] replaced by the weaker requirement that there merely be some explanatory connection between *B*'s forced action and *A*'s relevant desires.)

39. Such forced action is in itself a eudaimonic bad, inasmuch as life generally goes better when we are not forced down certain paths by hard choices (Raz, *Morality of Freedom*, 373–77; see also Wertheimer, *Coercion*, 233). However, interpersonal subjection is a particular kind of forced action that carries with it a further bad: in these cases, one is not only forced to act but also forced to subordinate one's own purposes to those of another.

relevantly alien to *B*. Simply put, then, to be subjected to a foreign will is to be (1) forced to act (2) by and in accordance with another will (3) that is not in conformity with one's own. Less simply, but more precisely: in doing *x*, *B* has been subjected to *A*'s will if

1. *B* does *x* on the basis of a belief that doing *x* is her sole available means of avoiding an eventuality that would, in relevant respects, surpass some appropriate threshold of badness;
2. *A* has successfully acted so as to get *B* to do *x*, either by helping to make *B*'s belief true (if it is true) or by helping to make *B* have the belief (if it is false); and
3. it is not the case that, in getting *B* to do *x*, *A* is motivated only by a set of considerations that effectively motivates *B* to do *x*.⁴⁰

Thus, in giving your money to the highwayman, you have been subjected to his will in virtue of the facts that (1) you give him your money on the basis of a belief that this is your sole available means of avoiding getting shot, (2) he has gotten you to give him your money by helping to make it the case that this is your sole available means of avoiding getting shot, and (3) he has done this because he needs some ready cash, and his need for ready cash is not what motivates you to hand over your money. I now explain these conditions in more detail.

There are three points to make about (1), the forced action condition. First, while the eventuality that *B* seeks to avert may of course be more or less bad, and while the degree of its badness will partly determine the degree to which *B* is subject to a foreign will, there is nevertheless some threshold of badness below which *B* is not at all subject to a foreign will. Consider an extremely trivial threat, such as a threat to pour your tea down the sink. We are not to say that, in complying with such a threat, you are subject to a foreign will, though only to a tiny degree. Rather, in such a case you are in no way subject to a foreign will, for you fully retain the option (in the relevant sense of 'option') of standing up to the threat and of doing as you otherwise wish.⁴¹ In thinking about the location of this threshold, I have in mind something like inconsistency with what Joseph Raz calls *personal needs*: "the conditions necessary to enable a person to

40. As regards this last condition, it should further be specified that *B*'s motivations for doing *x* are not themselves the intended or foreseen effect of some prior instance of interpersonal subjection (specifically, of the third of the three modes of subjection distinguished above). On this, see Michael Garnett, "Freedom and Indoctrination," *Proceedings of the Aristotelian Society* 115 (2014): 93–108, 100.

41. The same goes for offers to improve already-satisfactory situations, such as an offer to further increase a generous salary. Serena Olsaretti makes a similar point; see Olsaretti, *Liberty, Desert and the Market*, 157. (I assume in both cases that the relevant parties' evaluative schemes are not wildly abnormal.)

have the life he or she has or has set upon.”⁴² Nevertheless, since the existence of such a threshold is crucial to the structure of the account but its exact location is not, I am minded to leave the latter issue open. Readers may therefore consider the threshold to be located wherever they deem appropriate (modulo my choice of examples).

The second point is that the agent’s position in relation to this threshold is not to be assessed holistically, but only in relevant respects. Suppose that I suffer from chronic back pain severe enough to place me below the appropriate threshold but am otherwise well-off. You make a trivial threat: you threaten to say something slightly mean unless I do what you want. In this case, defiance will leave me below the threshold, since it will involve continued back pain—but you have not subjected me to your will. This is because the respect in which defiance will leave me under the threshold is irrelevant to your proposal; it is not in the domain of “having mean things said about me” that I will fall short.

The final point concerns the idea of a means to avoidance of an ineligible alternative. In the sense at issue, forced action requires some manner of “external” compulsion, not merely compulsion by the strength of one’s motivations themselves. When your favorite band plays a concert in your hometown, you are not forced to go to the concert simply on the grounds that not going would be, for you, unbearably bad. Similarly, you are not forced to comply with someone’s wishes just because you very much want to do as they wish, or because the idea of not doing as they wish is unthinkable for you.⁴³ So although there may be some sense in which performing a highly desired action is ipso facto a means of avoiding a bad alternative (i.e., that of one’s not performing it), this is not the sense at issue. Instead, ‘means’ is to be understood here as requiring some form of instrumental or causal relation.

I turn now to (2), the interpersonality condition. We may think of it as having two parts. The first is that *A* must have intentionally acted so as to bring about *B*’s doing *x*. Note the insufficiency of *B*’s merely believing that *A* has gotten her to do *x*—as would be the case, for instance, were you to mishear the highwayman and start telling a joke, thinking that he is demanding (something) funny. In such a case you might certainly feel subject to his will. But you would not in fact be subject to his will; indeed, your action would serve to frustrate his will. This is to say that

42. Raz, *Morality of Freedom*, 152. See also Mark Fowler, “Coercion and Practical Reason,” *Social Theory and Practice* 8 (1982): 329–55; Olsaretti, *Liberty, Desert and the Market*, 154 (though, unlike Raz, Olsaretti construes needs objectively).

43. “Pure” cases of subservience or obedience, in which one’s will is nonforcibly subordinated to that of another, may qualify as a form of the third of the three modes of interpersonal subjection distinguished above. They do not, however, fall within the scope of the analysis developed here.

interpersonal subjection, like other eudaimonic bads such as ignorance and irrationality, is not a purely subjective state. To be sure, the purely subjective aspect of interpersonal subjection—taking oneself to have “no choice” but to act in accordance with what one believes to be the will of another—is its own unhappy condition. But it is not our focus. For if there is no relevant foreign will, then there is no successful exercise of interpersonal power, no subordination of interests, and no subservience to others. One cannot be subject to a nonexistent will.⁴⁴

The second part is that *A* must have gotten *B* to do *x* by a certain means. In the standard (nondeceptive) case, *A* must have done so by helping to make it true that *B* has “no choice” but to comply with *A*’s will. It is not enough that *A* merely alert *B* to this fact. If I warn you about an unsafe bridge and you change your route accordingly, you are not thereby subject to my will. Of course, matters would be different if I had previously sabotaged the bridge so as to force you to change your route. They would be different too if I were merely lying about the bridge in order to get you to change your route. For when it is false that you have “no choice” but to change your route, I can nevertheless subject you to my will by getting you to believe that you do.⁴⁵

I turn finally to (3), the nonconformity of wills condition. To see its point, consider a case of an altruistically motivated unconditional offer. Suppose that you are in terrible pain, with no access to painkillers, and that I give you a painkiller with the intention that you take it to relieve your pain.⁴⁶ In doing so, I help to make it true that taking the pill is your sole available means of avoiding a terrible alternative. Nevertheless, the reason for which I have gotten you to take the pill—relief of your pain—is the very same reason that motivates you to take the pill. And this confor-

44. This may, however, be subject to the following proviso. Suppose that a mafia boss tells you, “Get me my money by Friday, or you’re dead,” adding, “I don’t care *how* you do it—just do it.” Suppose further that, as it happens, you have exactly one available means of getting the money by Friday: pawning your prized guitar. So you pawn your guitar and give the mafia boss the money. Clearly, you give the mafia boss the money under coercion. But do you also pawn your guitar under coercion? Those inclined to answer “yes” (on the grounds that the scope of the mafioso’s will might extend unwittingly in this way) should append the following clause to the end of condition (2): “or has successfully so acted with respect to *y*, where *x* is *B*’s sole available means of doing *y*.” Those inclined to answer “no” (on the grounds that coercion must be more strictly intentional) should leave the condition as it stands. None of the arguments of this article turn on this issue.

45. What if I lie about the bridge being unsafe but, unbeknownst to me, it really is unsafe? Then I have inadvertently given you a warning and failed in my attempt to subject you to my will.

46. Note the variant case in which I act only so as to enable you to relieve your pain—that is, in order to give you an option that you may or may not choose to take—and therefore not so as to get you to relieve your pain. Such a case would not be one of subjection (by virtue of its failing condition [2]).

my will means that although you have been subjected to my will, you have not thereby been subjected to a will that is relevantly foreign to your own. By contrast, suppose that the pill I offer you is a new drug, and that in addition to wanting to get you to relieve your pain I also want to make you test the drug. If you do not share this aim of testing the drug, then in taking it you are subject to my foreign will (with respect to testing the drug, though not with respect to relieving your pain).

Whereas unconditional offers frequently do involve the right kind of conformity of wills, conditional offers and threats typically do not. Nevertheless, they may do so. Suppose, for instance, that you are so moved by the highwayman's apparent desperation that, in addition to being motivated by self-preservation, you also hand over your money out of charity—and, moreover, that your charitable motivation is so strong that you would have done the same even if you had not been under threat (e.g., if you had been a bystander). In this case, the highwayman's will (that he get some ready cash) would not be relevantly foreign to your own, and you would not act under subjection to a foreign will.

This, then, is what it is to be subject to a foreign will. My claim is that a person suffers coercion in the eudaimonic sense just in case she suffers some significant loss of freedom-as-nonsubjection.

V. THREE OBJECTIONS

Before relating this account of eudaimonic coercion back to the weighty deontic senses of coercion and to the cases introduced at the end of Section I, I must first defend it from three pressing objections. These are that the account is too subjective, that subjection to a foreign will is unnecessary for coercion, and that the account fails to take seriously the positive moral value of social dependence.

There are two versions of the "too subjective" worry. One concerns the objective reasonableness of the agent's ideas about her personal needs. Suppose that a person, having lived her whole life in the lap of extreme luxury, now considers the prospect of a middle-income lifestyle an unthinkable hardship. On the proposed account, a threat to bring such a person down to this material level—one that is, objectively, perfectly adequate—could nevertheless be coercive. Some may find this implausible. I suspect, however, that this reaction rests on either of two errors. The first is a lingering presumption that to call an action "coerced" is to excuse it, a deontic consideration irrelevant to the idea of coercion in its eudaimonic role. The second is a failure of imagination: it may be so difficult to empathize with such a person that we resort to interpreting her as having a mere preference against the drop in income. However, to work with the case, we must take seriously the stipulation that she genuinely regards this option as somehow ineligible, and it is then not implausible to think that she

might be subject to the will of one who makes such a psychologically effective threat.

The other version of the “too subjective” worry concerns the sources of the agent’s evaluative beliefs. Returning to *Organ Sale*, suppose that *B* has adapted to his condition by forming an ascetic conception of the good that venerates the struggle of lives lived in extreme poverty.⁴⁷ In that case, *A*’s offer would not be coercive, for *B* would not see the consequences of declining it as bad. Again, this is the correct result. Assuming that the change in *B*’s evaluative scheme is genuine and not, for instance, just a matter of self-deception, then he really is no longer vulnerable to such attempts at subjection. In this respect the Stoics were right: ridding oneself of material desires does indeed help to render one immune to certain sorts of interpersonal control. (If you doubt this, try getting a Franciscan monk to do your bidding via financial incentives.)

The second objection concerns a case given by Nozick:

Suppose that we are conducting an experiment for the Social Science Research Council, to study people’s reactions in the highwayman situation. We don’t care how he reacts to our threat (if he gives over the money we must turn it over to the SSRC; if he resists we are empowered to kill him and, let us suppose, have no moral scruples about doing so). We do not say “Your money or your life” in order to get him to give us his money, but in order to gather data. . . . In the grip of fear and trembling, he hands over the money. Surely we coerced him into doing so.⁴⁸

Since the scientist does not aim to get the subject to hand over his money, it seems that in handing over his money the subject cannot qualify as acting under subjection to the scientist’s will. Nevertheless, the subject is coerced. This suggests that subjection to a foreign will is unnecessary for coercion.

Both the scientist and the more common highwayman aim to get something from their victims, but they aim for different things. The common highwayman wants your money, and he gets it by threatening to shoot you. Refusing to hand over your money (and getting yourself shot) is therefore a way of frustrating his will. By contrast, the scientist wants something disjunctive—either that she get your money or that you get shot—and she does not get this by issuing a threat (“do either of these two things or else”), but just by physically blocking off further alternatives. In this case, the path of defiance lies not in either of the alternatives, but only in one’s somehow breaking out of the constricted choice situation,

47. See Jon Elster, *Sour Grapes: Studies in the Subversion of Rationality* (Cambridge: Cambridge University Press, 1983).

48. Nozick, “Coercion,” 18.

such as by running away. Hence, both cases involve subjection to a foreign will, but the second, despite appearances, is not a case of subjection by means of threat. In Section IV I distinguished three ways in which one might be subject to a foreign will (and hence coerced); the proposed account concerns only the second of these, in which one's options are rigged. Nozick's case, however, is best understood as an instance of the first of these, in which one is physically compelled to undergo something. That is, although it looks like the subjects are being made to do something by means of a threat, they are in fact being made to do or undergo either of two things by means of a physical constriction of their opportunity sets. They are therefore coerced, but not in a manner that falls under the analysis developed here.

The final objection runs as follows. Coercion, on my account, is the loss of a certain kind of social independence. Yet we are all essentially bound up in multiple and overlapping social relations and embedded in complex social structures. Moreover, this social embeddedness is immensely valuable. Even were it possible to sever ourselves from these relations of social interdependence, it would be undesirable to do so. So if coercion is a particular kind of moral bad, and if social dependence is not a moral bad, then coercion cannot be a loss of social independence.⁴⁹

However, social dependence comes in a variety of forms, and it is possible that some of these forms might be disvaluable without all of them being so.⁵⁰ Hence, my aim is not to deprecate social dependence, or indeed social relations, in general; rather, it is to focus on a particular form of social dependence—what I have called subjection to a foreign will—and to suggest that relations of social dependence are bad when they take this specific form. Significantly, normal relations of love and care do not take this form.

First, loving and caring actions are often unforced. When I cook dinner for my friends, for example, I do so primarily for the joy it will bring them, not so as to avoid some feared alternative. (Moreover, inasmuch as I am partly motivated so as to avoid their disappointment at my not cooking, fortunately neither they nor I are so fragile that this consideration leaves me, in the relevant sense, “no choice” but to cook for them.) Second, even when we are compelled to act in virtue of our love for someone, it is still generally the case that we are not thereby subject to a foreign will. On the one hand, contexts of love and care typically manifest the kind of conformity of wills necessary to defeat the foreignness condition. Thus,

49. See Jennifer Nedelsky, *Law's Relations: A Relational Theory of Self, Autonomy, and Law* (Oxford: Oxford University Press, 2013).

50. Marilyn Friedman, “Relational Autonomy and Independence,” in *Autonomy, Oppression, and Gender*, ed. Andrea Veltman and Mark Piper (Oxford: Oxford University Press, 2014), 42–60.

suppose that my baby is hungry and signals for me to feed her. Since the prospect of my baby going hungry is relevantly bad for me, it may be that in this circumstance I have “no choice” but to feed her. Yet my reason for feeding her and her reason for getting me to feed her are the same: relief of her hunger. On the other hand, dispositions of love and care are typically dispositions to act in another’s *interests*, and this means that they do not usually involve the kind of dependence on another’s *will* required by the interpersonality condition. In the example just given, for instance, my baby has not made it the case that she will go hungry if I do not feed her. This is a fact about her physiology and developmental stage independent of her will. So while her action alerts me to the fact that I must feed her, it does not help to make this fact obtain.⁵¹

Hence, close personal relationships need not involve interpersonal subjection. Needless to say, however, they can. In *Personal Ultimatum*, for instance, *B* believes that it would be emotionally catastrophic to be left by *A*, and *A* uses this fact to get *B* to serve *A*’s will by threatening to leave *B*. In this case, *B*’s energy and activity are not being directed toward formulating and pursuing *B*’s own plans and purposes, but toward those of another. Moreover, this is, in a delicate but important sense, not a willing subordination of *B*’s will, born from an overflowing of love and care and a mutual fusing of interests, but a morbid subordination born from fear. As I have been arguing, one of the jobs of the concept of coercion is to pick out precisely this species of harm.

VI. OVERLAPPING CONCEPTS

I turn now to the relationship between this primarily eudaimonic concept of coercion and the weightily deontic concept reviewed earlier. On the account just proposed, coercion in the eudaimonic sense is neither necessary nor sufficient for coercion in the weighty deontic sense.⁵² Hence, the

51. What about cases in which one’s loved one’s autonomy is centrally at stake? If one cares sufficiently about the other’s autonomy, then in certain situations the other’s requests may necessitate one’s compliance simply qua requests. However, in these situations one’s compliance is not a means of avoiding an autonomy violation; it just is avoiding an autonomy violation. That is, just as one is not forced to see one’s favorite band simply by the strength of one’s desire to see them, one is not forced to respect someone’s autonomy just by the strength of one’s own commitment to respecting their autonomy (see Sec. IV).

52. This is true despite the following two complications. First, since interpersonal subjection is a harm, and since it is always *prima facie* wrong to harm others, it follows that it is always *prima facie* wrong to subject others to one’s will. However, this *prima facie* wrong—that is, the *prima facie* wrong automatically generated by the harmfulness of interpersonal subjection—is generally too weak to play the weighty deontic roles demanded by the deontic concept of coercion. Second, it may be that particularly severe instances of interpersonal subjection are *ipso facto* rights violations and therefore wrongful in the weighty deontic sense. Consider the fol-

set of cases involving eudaimonic coercion partially overlaps the set of cases involving weighty deontic coercion, and this yields three distinct kinds of cases (respectively located in the intersection and each of the two relative complements of the overlapping sets): cases involving coercion in both senses, cases involving coercion in only the primarily eudaimonic sense, and cases involving coercion in only the weighty deontic sense. Moreover, this way of seeing things helps make sense of our everyday understanding of coercion in the following way. Like many ordinary concepts, that of coercion admits of both clear or paradigm cases and unclear or penumbral cases. As I suggest below, it turns out that what we naturally think of as paradigm cases of coercion generally lie in the intersection (that is, they involve coercion in both senses), whereas more penumbral cases lie in one or other of the relative complements.

For instance, the highwayman case—an obviously paradigmatic case of coercion—involves coercion in both the weighty deontic sense (you are wronged, the resulting transaction is invalid) and the primarily eudaimonic sense (you suffer the pro tanto bad of subjection to a foreign will), and this is likely true of all cases involving clear and serious threats. Moreover, this explains why the distinction between the two senses of coercion is easy to miss, for in central cases there is generally no pressing analytical need to pry them apart. In more controversial cases, however, the two forms of coercion diverge, and understanding their distinctness becomes essential.

Indeed, the two come apart precisely in cases like those introduced at the end of Section I. As we saw there, it is unlikely that any of these involve coercion in the weighty deontic sense. Nevertheless, they all—given plausible background assumptions—involve coercion in the eudaimonic sense defended here. Take *Organ Sale* (a paradigmatic case of a “coercive offer”). Here *B* transfers his kidney to *A* on the grounds that this is his sole available means of avoiding an eventuality—imminent starvation—that would surpass a relevant threshold of badness. *A* has gotten *B* to transfer his kidney by helping to make it the case, via his offer, that doing so is indeed *B*’s sole available means of avoiding imminent starvation. And *A* has done this so that he might have a kidney, whereas *B* has transferred his kidney in

lowing analogy. If my (otherwise-rightful) acquisition of land leaves you entirely hemmed in by my property, and in effect prevented from moving, it may thereby be wrongful. That is, it may be that you have a right to some minimal degree of freedom-as-nonprevention, and that this legitimately constrains how I may exercise my rights. In the same way, it may be that you have a right to some minimal degree of freedom-as-nonsubjection, and that this also legitimately constrains how I may exercise my rights. Thus it may be that, in the most severe cases of “pure” eudaimonic coercion, in subjecting *B* to her will *A* acts not only badly but also wrongly (in a narrow, rights-violating sense).

order to avoid starvation.⁵³ Thus, *B* is subjected to *A*'s will and is thereby coerced.

Of course, the fact that *B* accepts the deal suggests that he takes the harm of interpersonal subjection to be outweighed by other gains (such as avoiding imminent starvation), and so the result is likely an overall increase in his eudaimonic state. Nevertheless, the transaction involves various pro tanto eudaimonic setbacks, one of which is loss of his kidney, and another of which is subjection to a foreign will. The claim that *B* is coerced is here simply the claim that *B* suffers the latter pro tanto harm. Note also that, on this approach, the coerciveness of a transaction is treated as distinct from its exploitativeness. It is widely held that *A* exploits *B* just in case *A* takes unfair advantage of *B*.⁵⁴ Thus, in *Organ Sale* *B* is both coerced and exploited. However, had *A* offered *B* a million dollars for his kidney, *B* would have been just as coerced—he still would have had “no choice” but to comply with *A*'s will—but it would be much harder to sustain the claim that he was exploited. ‘Exploitation’ and ‘coercion’ pick out different moral phenomena.⁵⁵

These points apply to “coercive offer” cases generally and help explain why they are so controversial. For as we are now in a position to see, whether we take them to involve coercion depends on our broader moral-theoretic objectives. Hence, if we are interested in whether *A* has wronged *B*, or in whether it is legitimate to hold *B* fully responsible for making the agreement—that is, if these are the sorts of questions we hope to get closer to answering by determining whether *B* has been coerced—then we may well deem *B* uncoerced in these cases (as per the standard moralized account). But if our primary moral interest is in how well *B*'s life is going, and specifically in how much of the special human good of nonsubjection to foreign wills *B* currently enjoys, then we may well deem *B* coerced.

It is notable that almost all of the most interesting “penumbral” cases of coercion lie to this side of the intersection. Nevertheless, it is also pos-

53. I here assume that both *A* and *B* act primarily for their own benefit. Suppose, however, that they are friends: *A* suggests the deal in a genuine attempt to help *B* out (*A* lacks the means to aid *B* unconditionally, but *A* is able to sell the kidney on and to give *B* the majority of the earnings), while *B* is happy to give *A* the opportunity to get a small cut of the earnings (*A* is also, we may suppose, hard up). Thus, *B* transfers his kidney both to avoid starvation and to benefit *A*, and *A* gets *B* to transfer his kidney both to prevent *B*'s starving and to benefit himself. Such a conformity of wills would mean that *B* is not coerced in this case. (Needless to say, however, these are not the standard conditions of capitalist market exchange. I briefly return to this issue in Sec. VII; see n. 59.)

54. See Alan Wertheimer, *Exploitation* (Princeton, NJ: Princeton University Press, 1996), 439.

55. See Marx, *Economic and Philosophical Manuscripts of 1844*, 81: “An enforced increase of wages . . . would therefore be nothing but better payment for the slave.”

sible to construct cases on the other side—that is, cases involving deontic but not eudaimonic coercion. Moreover, it is a prediction of the approach propounded here that such cases should seem similarly “penumbral” and controversial. With this in mind, consider the following:

Customs Official. *B* is an extremely wealthy traveler. *A*, a customs official, threatens to seize one of *B*'s many neckties unless *B* pays a bribe of \$100. The tie has no sentimental value to *B* and could easily be replaced, albeit for \$110—a sum that *B* can amply afford. (By contrast, the tie would have little resale value for *A*.) *A*'s threat is spurious and illegal, but *B* has no realistic chance of redress in this jurisdiction. *B* pays the bribe.

For *B*, replacing the tie would be a minor inconvenience, and he could easily choose to stand up to *A*'s threat—on moral principle, say, or just so as not to be pushed around. That is, *B* is not in a position in which we would ordinarily regard him as having “no choice” but to comply with *A*'s wishes. Nevertheless, he has clearly been wronged. Has he been coerced?

In the weighty deontic sense, he has: *A* secured his compliance by proposing to violate his property rights, and *B* retains a moral claim to his \$100 on the grounds that he gave it under coercion. In the primarily eudaimonic sense outlined here, however, he has not: although he chose to act in accordance with *A*'s will (for obvious reasons of mild economic self-interest), he was at no point subject to it; although he lost his necktie, he retained his independence. Cases like this, which we may term “non-coercive threat” cases, are the mirror image of “coercive offer” cases, and, I submit, they are intuitively unclear in a very similar way (i.e., intuitions are likely to diverge significantly).

This, then, is how we might think, at least in broad outline, about the relationship between the two concepts of coercion. Moreover, this approach also allows us to make sense of, and promises to resolve, the long-standing dispute about whether coercion is an essentially moralized concept. For we now see that it is both: the “moralizers” and the “nonmoralizers” are each partly right. As we saw in Section I, when understood in its weighty deontic senses, coercion seems to demand a moralized analysis. On the proposed eudaimonic account, by contrast, it does not: no independent moral criteria are needed to determine whether an agent is subject to a foreign will. (Crucially, what matters on the account is not the actual badness of the alternatives, but only *B*'s beliefs about their badness.) Among other things, this lays the foundations for an explanation of how the idea of coercion might consistently enter a moral or political theory on the ground floor, as part of a basic moral principle, despite its obviously moralized dimensions.⁵⁶

56. See Zimmerman, “Taking Liberties.”

VII. IMPLICATIONS: CAPITALIST WAGE RELATIONS

There are a number of important questions in moral and political philosophy that seem to turn, at least in part, on the nature of coercion, and it is with an eye to making progress with these that most philosophical investigations into the concept are undertaken. These questions include long-standing disputes over the coerciveness of capitalism and the law, as well as a host of newer problems in applied ethics such as the coerciveness of payment for participation in medical research, the coerciveness of markets in human tissues and organs, and the coerciveness of markets in human reproduction. What, it may be asked, are the implications of the foregoing analysis for debates such as these?

While it would obviously be impossible to explore the implications of this approach for all of these here, it might nevertheless be possible to shine some general light on many of them by considering just one in particular. To this end I therefore now look—albeit still only briefly and in broad outline—at the well-worn dispute concerning the coerciveness (or otherwise) of capitalist wage relations.

This debate typically focuses on “coercive offer” cases such as the following:

Proletarian. *B* lives in a pure capitalist system and owns no property other than himself. *A*, who bears no direct responsibility for *B*'s situation, offers *B* a hazardous job at paltry wages. *B* has no prospects of other work or assistance, and if he declines the job, he will likely starve. For this reason, *B* accepts the job.

Is *B* coerced? As I have been arguing, in asking this question we may have either of two general moral-theoretical aims. The first is to make progress toward finding answers to the following questions: Has *A* acted in a way that is significantly wrongful? Is *B*'s employment contract enforceable? On the best understanding of coercion in the senses most immediately relevant to these questions—that is, its weighty deontic senses—*B* is coerced only if *A* proposed to act all-things-considered wrongfully.⁵⁷ And since it may be reasonably argued that *A* proposed to act within her rights, this result tends to favor defenders of capitalism.

How so? Well, it is presumably not wrong for *A* to offer *B* a job per se. So if *A*'s proposal is wrongful, it must be because she has some positive duty to offer *B* a job on better terms, or to provide some other form of assistance. But even if *A* does have such a duty in certain cases, this is

57. Note that what matters with respect to these questions for the moralized account is whether *B*'s rights are violated by *A*, not by the government or by society at large. The fact that *B* may have a right to assistance from others is irrelevant, on that account, to the question whether *A* coerces *B*. See Wertheimer, *Coercion*, 234–41.

unlikely to support a general conclusion concerning the coerciveness of capitalist wage relations. For one thing, market conditions may be such that *A* cannot offer the job on better terms without going out of business, and *A* presumably has no duty to aid others where doing so will push her into destitution herself. For another thing, *A*'s duty of assistance is likely owed to those most in need of it, and this may not include *B* (others may be even worse off).

For these reasons, it is difficult to sustain the claim that transactions like that in *Proletarian* are generally coercive in a weighty deontic sense. Moreover, as we saw in Section I, it is often insisted that this is the only morally interesting sense of coercion, a move that effectively closes the capitalist's case. Yet, as I have argued, this relies on too narrow a conception of what is morally interesting. In asking whether *B* has been coerced, our primary aim may not be to discover whether *B* has been wronged, or whether *B* may be held to his contract. Instead, our aim may be to establish how well *B*'s life is going and, more specifically, whether *B* is being precluded from the enjoyment of a specific human good, namely, freedom-as-nonsubjection. Moreover, it may reasonably be argued that in this different, eudaimonic sense, *B* is subject to *A*'s will and therefore is coerced into accepting the job (indeed, *Proletarian* is amenable to the same analysis as *Organ Sale*).⁵⁸

The upshot of all this is that capitalists and socialists are likely both right: it is both true that workers like *B* are coerced (in the primarily eudaimonic sense) and true that they are not (in the weighty deontic sense). But what does this mean for the bigger and more interesting issue of the justification of capitalism?

The answer, of course, depends on one's broader political morality. For a strict deontic liberal, for instance, whether capitalist wage relations are bad is politically irrelevant; what matters is just whether they are wrongful. From this perspective, therefore, ideal capitalist wage relations are most likely not coercive in any politically relevant sense. Hence, those who wish to contest capitalism on purely deontic moral terrain will do well

58. A specific worry that might arise in this context is that the account is overly individualistic. Suppose that *B* is offered a similar job by *C*, and that both offers constitute acceptable alternatives from *B*'s point of view. Then *B* is no longer subject to *A*'s will, for he has an acceptable alternative, namely, working for *C*; further, he is not subject to *C*'s will, for he has the option of working for *A*. So *B* is subject to no foreign will and suffers no coercion. In response, note first that the individualism generating the concern is extrinsic to the proposed account; so, e.g., if sense can be made of the Marxian idea that social classes qualify as quasi-agents in possession of wills (or will-analogues) of their own, then the account may deem workers to be coerced by capitalists as a class. Second, critics of capitalism need not deny the principle that competition for labor among employers tends to diminish the coerciveness of proletarian employment (i.e., that competitive capitalism is at least better for freedom than monopoly capitalism), for what really matters here will be how often, under real-world capitalist conditions, workers in fact find themselves in receipt of multiple acceptable job offers.

to base their critique on matters other than coercion, such as distributive injustice or exploitation.

For perfectionists, by contrast, the possibility that capitalism typically hampers the realization of freedom-as-nonsubjection for significant parts of the population is highly relevant to its justification.⁵⁹ Indeed, from this perspective such a result could well form an important plank of a more general anticapitalist argument. Such an argument would, however, require two further elements: first, a comprehensive accounting of the various moral harms and benefits of capitalism (coercion being just one of them), and second, a demonstration that an alternative form of economic organization could fare significantly better overall in relation to these same harms and benefits. As this suggests, it is by no means a short dialectical path, even for a perfectionist, from the claim that capitalism is inherently coercive to the claim that it is unjustified. Nevertheless, such a coercion claim is, for them, one potentially laden with genuine political significance.

To illustrate these points further, consider Serena Olsaretti's recent and influential critique of "libertarian" capitalism.⁶⁰ Although primarily concerned not with the concept of coercion but with that of *voluntariness*—her target being the claim that ideal capitalist transactions are always fully voluntary—closely parallel considerations apply. Olsaretti's strategy is to develop a plausible account of voluntariness and then to use it to show that many capitalist transactions—including that in *Proletarian*—are involuntary. However, there is a sense in which she ends up talking past the libertarian, and this is related to the fact that, as with coercion, the idea of voluntariness does a variety of moral jobs for us.

In fact, it does at least three. One is the primarily eudaimonic job of helping to specify what it is to live a freely chosen life, an aspect of the good often referred to as "autonomy" by perfectionist liberals.⁶¹ The second is the deontic job of helping to specify when it is morally permissible (and when impermissible) to hold a person liable for the consequences

59. Note that it is specifically capitalism, as opposed to market exchange more generally, that generates the worry about coercion. As I pointed out in n. 53 with respect to *Organ Sale*, the right kind of conformity between the parties' wills may render an otherwise-coercive offer noncoercive. However, the self-interested basis of paradigmatic capitalist exchange typically precludes such conformity. In particular, it is rare for business owners, despite talk of "job creation," to be motivated by a genuine concern for the financial well-being of their workers (indeed, they would likely automate such jobs if it were cheaper to do so), and it is even rarer for workers to be motivated by an altruistic concern for their bosses' profit margins. Matters could in principle be different, however, under some more cooperative, alternative form of economic organization. Although there is not the space to develop the point fully here, this is another respect in which recognition of the eudaimonic concept of coercion helps to make sense of important themes in the socialist tradition.

60. Olsaretti, *Liberty, Desert and the Market*, 86–161.

61. See, e.g., Raz, *Morality of Freedom*; Ben Colburn, "Forbidden Ways of Life," *Philosophical Quarterly* 58 (2008): 618–29.

of her actions. The third is the different deontic job of helping to specify when a decision or action has been subject to impermissible or wrongful interference on the part of other agents. Olsaretti focuses on voluntariness explicitly in the second, and sometimes implicitly in the first, of these roles,⁶² and she successfully argues that capitalist transactions are often involuntary in these senses. However, it is in its third role that the notion is of ultimate moral importance for libertarian capitalists. That is, for them the core claim with respect to voluntariness is not (1) that under capitalism each lives a flourishing human life, nor is it (2) that, insofar as people's lives go badly under capitalism, they have no one to blame but themselves (to the contrary, libertarians are often happy to blame impersonal, external circumstances for people's hardships). Rather, the fundamental claim is (3) that insofar as people's lives go badly under capitalism, they cannot blame anyone else: they have not been wronged, and capitalism is thereby vindicated as perfectly rightful.⁶³

As Olsaretti's arguments bring to light, libertarians are not always very careful about distinguishing (1)–(3), and her critique is invaluable for denying the libertarian unjust dialectical enrichment on the basis of that confusion. But to fully refute the libertarian on her own terms, one must counter (3), and that is difficult for precisely the same reasons that it is difficult to show that, in *Proletarian*, *B* is coerced in the weighty deontic sense.

Hence, the argument over the coerciveness (as well as the voluntariness) of capitalism—specifically, the dispute over whether capitalism is coercive in a sense relevant to its political justification—ultimately rests, in part, on a deeper disagreement concerning the relationship between the right and the good. Moreover, although I have not been able to demonstrate it here in detail, I submit that many of our specific philosophical disagreements on issues relating to coercion have a similar ultimate source. If so, our moral understanding of these issues can only benefit from better recognition of the dual moral-theoretic roles played by that idea: coercion as moral wrong, and coercion as moral bad.

62. Olsaretti, *Liberty, Desert and the Market*, 158–61; Serena Olsaretti, "Debate: The Concept of Voluntariness—a Reply," *Journal of Political Philosophy* 16 (2008): 112–21. Note that these two normative roles may not demand distinct conceptual analyses.

63. See Barnes, "Why Is Coercion Unjust?"