ABSTRACT. A dozen philosophers have recently groped for a formula to pick out coercive offers: when P proposes to give a benefit or withhold a harm for Q's compliance, when does P's proposal count as coercive? Five formulae are analyzed here. One account is completely "moralized," claiming that we can't pick out coercive offers without first settling questions of rights. Two accounts are completely "non-moral," using as criterion a baseline of "What would in fact have happened" if P had not wanted Q's compliance. Finally, two accounts offer "two-baseline" accounts, asking "What should have happened?" and/or "What would have happened otherwise?" Four accounts are found quite inadequate; the fifth account (my own earlier formula) is threatened by two odd counter-cases. Finally, an alternative to "defining coercion" is sketched.

In the past five or six years, about a dozen writers have proposed formulae to distinguish coercive from non-coercive offers: When P offers x in return for Q's y, when should we say instead that P threatened to withhold x unless Q complies by giving y?

I want to consider five such formulae here, proposed by various writers. I hope to show that the first four are inadequate, that the fifth is the closest-to-adequate of any proposed so far. Then I'll discuss the possibility of going beyond this whole project.
J.P. Day offered the most narrow definition of coercion: he said that

P COERCES Q ONLY BY THREAT, NOT BY OFFER.¹ P DETERS Q FROM DOING X BY A THREAT, BY MAKING IT IMPOSSIBLE FOR Q BOTH TO DO X AND ALSO TO KEEP SOME GOOD Q NOW HAS.

For instance, gunman P proposes to let Q keep his life if Q gives P all his money; this gunman P proposes to make Q unable [both to keep his money and to keep his life].² Whereas an offer (always non-coercive) doesn't make Q unable to do any complex action which Q could do before. (Suppose P says, "I'll give you one hundred dollars if you don't do x"—before the offer, Q was already unable [both to have one hundred dollars and to do x]; P's offer leaves him unable to do this, doesn't make him unable. And P's offer makes Q newly able [to have the one hundred dollars or do x].)³ Day would say that Q can be made unfree in regard to walking (a) if P claps him in leg irons or (b) if P makes him, by threat, unable [to walk and not be hurt]. But P can also injure Q's legs—then also he has interfered with P's liability—an odd usage. Still more oddly, if P kills Q, then P has affected only Q's ability-to-walk, not his freedom. To affect Q's liberty, P must make him retrievably unable to do something.⁴ It's all very paradoxical.

Another oddity: anyone who takes my money, for any reason, diminishes my liberty—he makes me newly unable to buy things. So what of high-minded eloquence like this: "Worse than one who steals my purse is one who steals my liberty"?

But now we come to some fatal objections to Day's formula:

(1) Whenever the butchers raise their prices (e.g., to cover their increased costs), Day must say that butchers have diminished their customers' liberty. They have coerced and threatened their customers. After all, before the price-rise, customer Q could [consume x amount of meat and have y money left for other purposes]; the butchers' proposal to raise prices renders Q unable to exercise that double option. Q must now settle either for [having (x - m) meat with y money left] or [having x meat with (y - n) money left]. It was the butchers who made Q thus unable, so they have coerced the customers. Yet surely some legitimate price rises should not be seen as coercions diminishing people's liberty.

(2) P is the wicked son of generous Q. Q falls into a pond (through no fault of P's) and is (slowly) drowning. P happens by, and offers Q a costless,
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riskless rescue if Q will promise solemnly to give P all his wealth. Now common-sense says that any promise Q makes in this predicament is void-as-coerced. But on Day's formulae, consider: P has not made Q unable to do/have any simple/complex option. Q was already unable to keep money and life since, when P happened by, Q was unable to keep his life. Therefore, P didn't coerce or threaten Q. Absurd.

At first it seems that Day's formula is equivalent to "liberty as non-interference." But it is narrower than this. We would all count son P's blackmailing of his drowning father as "coercive interference"—but Day wouldn't count it as diminishing the father's liberty, not even if some draft court enforces Q's promise and the father lost all his money. Oddly, if the son physically took one hundred dollars from Q, then Day would say he diminished his father's liberty—but if the son extorts all Q's money by this kind of blackmail, he hasn't diminished his father's liberty at all.

(3) Suppose P is a powerful government official and Q is a devastating critic of government policy. Q has some awful personal secret (involving farm animals) which, Q knows, is about to be published in a scandal-journal. (Assume the government did not "plant" the story.) Bureaucrat P tells Q he could (costlessly) use his influence to get the story quashed, on condition that Q guarantees he will never criticize the government again. Now before P made his proposal, Q knew he was unable to keep his secret, therefore unable to keep his secret and go on criticizing the government. P's proposal didn't make Q thus unable; in fact it enables Q to do whichever one he chooses. If Q is thus silenced, there has been no coercion, no extortion, no diminishing of liberty of speech—which is absurd.

No, Day's formula won't do.

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It turns out to be surprisingly difficult to explicate our ordinary usage of "coercion." Don Vandeveer offers a more nearly-adequate formula:

\[ P \text{ coerces } Q \text{ if } P \text{ threatens } Q \text{ with a harm or with a violation of } Q's \text{ rights, if } Q \text{ will not comply}. \]

(To inflict a harm is to make Q worse off than he was, or
worse off than he would be if the present status quo were extended into the future.) Vandeveer notes that you could harm someone without wronging him (as when P pounds Q's nose in a boxing-match) and you could wrong someone without harming him, as when you deprive him of a future benefit he doesn't have now, but legitimately expects—as when the government refuses a pension to a citizen who has paid into a pension fund. So P coerces Q if P proposes to respond to Q's non-compliance by shooting him, or by otherwise making him worse off than he would be if the status quo continued—or by refusing him benefits which he doesn't have now, but is entitled to receive in the future.

Vandeveer's formula is an advance over Day's, because it can account for the coerciveness in son P's proposal of the costless, expensive rescue of his father (objection 2. to Day's formula). A gratis rescue is a future benefit the good father is entitled to expect; in proposing to withhold it, should Q not comply, P is trying to coerce his father.

Vandeveer's formula is also fatally defective.

(1) When the butchers have to raise their prices to cover their higher costs, they nevertheless propose to make the customers "worse off than if the status quo were continued," if the customers won't pay them more money. One can imagine a customer raving, 'The butcher is threatening that, unless I pay him more money today, he'll give me less meat than before' But this would be demented.

(2) P is again a bureaucrat, Q again an influential critic. This time Q has committed some criminal offence which he is not entitled to have concealed; again, an independent scandal-journal plans to expose Q. Bureaucrat P tells Q: "Ordinarily, I'd get this story quashed automatically; after all, it involves some mild embarrassment for the government also. But then I recalled how fatal exposure would be for you in your position; also, how seriously your past criticisms have damaged the government. So now I propose to quash this story only if you guarantee your complete and permanent silence on political matters, from now on."

Notice that P is not proposing to deprive Q of any future benefit Q is entitled to—Q has no right to get the story quashed. Nor is P proposing to make Q worse off than he is (awaiting dreadful exposure) nor that he would be if the status quo continued—the journal will do that; P proposes merely to let it happen.

Vandeveer's formula implies that P's proposal
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here is not coercive--but surely P is blackmailing Q, forcing Q to keep silent, extorting silence from Q.

So much the worse for Vandeveer's formula.

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Cheyney C. Ryan has offered an unusual account of "the ordinary way we use 'coercion'." He claims that the concept presupposes some moral judgments.

He claims that we wouldn't say P was "coercing" Q when P uses clear threats to stop Q from violating some definite person's individual rights. Nor would Ryan say P is coercing Q if P prevents Q from "doing" what Q is not validly empowered to do.

Ryan would see the first three cases here as misusing the verb "to coerce," whereas in the remaining three cases the verb is correctly used:

(1) Fred prepares to stab Sam. Sam pulls a gun and coerces Fred not to stab him.

(2) Conmen are pretending to "sell" the Brooklyn Bridge to country yokels. Finally the City Police enforce antifraud laws and use the threat of prison to coerce the conmen to stop such pseudo-sales.

(3) Fred is trespassing wantonly on Sam's property. Sam is entitled to foreclose on Fred's house, (though ordinarily he wouldn't want to). Sam coerces Fred to stop trespassing, by threatening him with foreclosure.

(4) Sam is entitled to foreclose, as before, though ordinarily he wouldn't want to. Sam coerces Fred not to marry Alice, by threatening foreclosure.

(5) Ajax Corporation is polluting the local river. Some eco-activists successfully use non-violent pressure to stop them--that is, they coerce the corporation to stop polluting.

(6) The government quarantines infectious Alice--that is, the government coerces her to stay at home while she is infectious.

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Ryan has quiet confidence in his linguistic intuitions—he just assumes "we'd" all agree to draw the line where he does, in describing ordinary correct usage. Now it's true that it sounds odd in the first three cases to say "P coerced Q not to do x." But such locutions always sound odd—in the last three cases, also. It's an odd fact that, outside philosophy and law journals, we rarely use "coerce" as an active verb at all. We might say "Sam was coerced into withdrawing from the race," or "Fred made Sam withdraw," or "Fred forced Sam to withdraw," or "Sam extorted a bribe from Fred"—but we rarely say, "Sam coerced Fred to do (avoid) x."

To test Ryan's intuitions, mix in together his "non-coercive-threat" cases with his "coercive-threat" cases; then ask literate non-philosophers to mark the cases where they feel "coerce" is misused. You won't find them agreeing generally with Ryan.

Or try this test: mix up all Ryan's cases and then ask witnesses: "In this case, how did P get Q to comply? Did P use (a) deception (b) coercion (c) persuasion (d) reward (e) none of the above." Again, you will not see in the user-reports any pattern supporting Ryan's thesis. And of course if you asked (of the first three cases) "Did P make Q comply?", "Did P force Q to comply?", "Did P extort compliance from Q?"--the auditors will agree that P did. (In case 1, suppose Fred later tried to get "credit" for "not actually stabbing" Sam. An observer could retort that Fred was coerced into stopping short of murder.)

So as a report of "ordinary usage," Ryan's position needs some evidence, not just assertion. But Ryan doesn't rely merely on his intuitions of ordinary usage; he tries to give some theoretical support for a claim that we should draw the line where he does. He says that when we see that "coercion" is an already-ethical concept, then we can better understand the quasi-universal moral presumption against coercion.16

For comparison: "Theft is always presumed wrong" can be explained by saying that the "typical wrongness of theft" partially constitutes our institution of Property: individual cases of theft might be justified; but theft couldn't be justified as a rule in any society which has the institution of Property.17 Analogously, Ryan would say: "'Q's proposed act doesn't count as directly violating anyone's individual rights, nor as a pretence at doing something that Q can't count as validly doing'--this complex moral condition is necessary for the truth of 'P coerced Q not to perform his proposed action.'" Therefore, we couldn't say coercion is typically justified without threatening the coherence of the very concept of coercion.18

This analogy limps fatally. Suppose I ask why we pre-
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sume it's wrong to use threats in cases which Ryan would count as coercive? We assume, for instance, that it would be wrong for a government to arbitrarily restrict a practice of worship. How am I helped to understand this presumption by hearing that if a worship-practice directly violated someone's rights, then preventing such a practice by threats would not count as coercion at all? Or by hearing that if nothing people did could count as "worshipping," then preventing the pretense of "worshipping" (by threats) would not count as coercion?

Ryan feels we should not assert a completely universal presumption against threats, not even as a merely prima-facie wrong. If by threats I force Fred to stop bashing in a child's head, where is any loss or harm involved, any feature that should be regretted (even though the forcing is justified—overall by necessity)? In what sense am I using Fred as a "mere tool" by such clearly-righteous threats?19

Well, suppose I could have persuaded Fred by (instantly effective) rational argument, to stop bashing the child. Then it would be wrong to prefer controlling him by threats. Ryan neglects this possibility because we sensibly assume this Fred is beyond instant persuasion. But the distinction could be important in child-raising. Consider the parent who could explain to the child why he must quit hitting other children—but instead the parent prefers to issue autocratic orders backed by potent threats. Here it does make sense to say that the parent is reducing the child to be a "tool" of his parental will, not inviting the child to decide for himself to eschew wrongdoing. So Ryan has not by this case undermined the universality of the moral presumption against coercion. And even if he had, such limits on this presumption would not be best explained by the two odd normative limits he places on the concept of coercion Ryan's formula for picking out coercion seems unsupported either by linguistic intuition or by his theoretical arguments.

Professor Ryan thought we must see that "coercion" presupposes some moral considerations, in order to understand it objectionable nature. David Zimmerman holds the very opposite view:

"[C]oercion is not an essentially moral concept. . . a moral condition of application does not link up in the right way with the underlying idea that coercion undermines freedom, and does not provide the right sort of explanation for its prima-facie wrongness."20

Zimmerman is bothered most by thoroughly moralized ac-
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counts like Harry Frankfurt's:

\[ P \text{ COERCES } Q \text{ IF HIS PROPOSAL WOULD TAKE IMPROPER ADVANTAGE OF A SITUATION IN WHICH HE HAS } Q \text{ IN HIS POWER.} \]

(Obviously here the conditions of application of the concept of coercion include an "ineliminable reference to moral rightness and wrongness.") But he also rejects any "two-baseline" approach (like one of Nozick's 1969 formulae) where an offer's coerciveness depends sometimes on what should happen and sometimes on what would ordinarily happen.22

Now Zimmerman admits there are some proposals that seem coercive even though they come out non-coercive under the usual non-moral tests;23 he sees his project, therefore, as reinterpreting such cases so their seeming coerciveness is either dissolved or explained by non-moral criteria.

Consider Nozick's infamous slaveowner P, who beats his slaves every afternoon for the hell of it. Today, though, he offers a remission of the beating for this one slave Q, if Q will undertake some unpleasant task for him. Before this proposal the slave faced this situation: a beating, period. Now, after the proposal, the slave is marginally better-off, he has a new option: [a beating or the unpleasant task]. Yet the proposal does seem coercive, and the reason seems to leap out--the daily beatings are not the morally expected baseline for comparison--the slave-owner owes the slave remission on much easier terms (i.e., grat-is).

The Need for Morally Neutral Criteria

Zimmerman tries to get rid of that moral reason for counting such proposals as coercive24--now, why does he want to do this? Because in telling why such coercion is wrong, he doesn't want to rest content with saying that it's unjust (or against utility) for owner P to offer conditionally to slave Q a remission that should be offered unconditionally.25 He wants to find a non-moral attribute of coercion that counts as a special wrong-making quality setting up a special moral presumption against coercion.26 He wants to show how coercive offers militate, not just against justice, but also against freedom.27

Let us consider each of Zimmerman's concerns separately. First, he wants to explicate coercion's wrongness in terms of unfreedom. He "cashes out" two aspects of unfreedom that might serve to illuminate the wrongness of coercion:

(1) Coerced Q is unfree because he is deprived of a
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pre-threat situation he preferred. When Q faces the gunman P who offers him his life in exchange for his money, P is surely wronging Q by depriving him of his previous option [keeping life and keeping money].

Strangely, this move interprets the wrongness of coercion as unfreedom, i.e., want-frustration, which counters utility and justice—a move much like the one that Zimmerman deplored earlier.

(2) Coerced Q is unfree because P has ignored Q's full status as a rational being, as a person who "can consider reasons for actions . . . beyond . . . immediate sanction here." P has "used A's preference-structure as a mere means to attain P's ends."

But this formula (for the special prima-facie wrongness of coercion) would also condemn a pure offer of a generous reward, as a way to influence Q. When I pay a generous wage to get rich Q to fix my plumbing, I'm ignoring his ability to think about "fixing my plumbing" as a form of self-actualization; I'm using his given preference-structure as a mere means to my goals. (This over-breadth is a fatal defect in an argument that sets out to distinguish coercive offers from pure offers)

(3) More promising in this concern: Zimmerman wants to find special features of coercion that are themselves non-moral but are wrong-making. Now the two "features of unfreedom" that we analyzed above will not play this role, at least not as he explains them. But I have such a feature to suggest: A common feature of practically all coercive offers is that they insult or humiliate the recipient. This insultingness is itself a non-moral quality which nevertheless sets up a presumption of wrongness in any coercive proposal.

Compare these four actions:

(1) P steals five dollars from Q, unknown to Q.

(2) P offers Q P's shoes for five dollars.

(3) P offers P's shoes (which both know are worth only five dollars to P) to Q for one hundred dollars, knowing that Q is desperate for shoes.

(4) P offers Q's shoes to Q, for five dollars.

In case (1) P has wronged Q but has not insulted or humiliated him. In the case (2), P has made a pure offer of shoes at a "reasonable" price—there is no wrong here, no coercion, no insult. In case (3), P shows his contempt for
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Q's welfare by "jacking up the price," by taking clear advantage of Q's necessity, by "making Q pay through the nose" for P's shoes. 31

There is a second-level insult involved here also. Before making his insulting offer, P must have known that an independent, non-desperate, self-respecting Q would scorn such an offer. In making this offer, P implicitly asserts that Q is either desperate (i.e., humiliatingly powerless), or has no self-respect, since making an offer presupposes some real chance of acceptance. If Q accepts this insulting offer, then he is humiliated, displaying himself as desperate, powerless, and/or lacking self-respect.

In case (4) P offers a more egregious insult: he shows himself not just indifferent to Q's welfare, but willing to trample on Q's rights. What's more, P assumes that Q is too weak to seize his own shoes without paying for them. What's more he assumes that Q is either so desperate or so craven that he will trade calmly under such insulting conditions. And if Q accepts the offer, Q displays either gravely-humiliating weakness and desperation, or craven lack of self-respect, or both.

In both cases (3) and (4), insulting humiliation is the non-moral property of P's proposal whichs make such coercions a special kind of prima-facie wrong. But this in no way shows that no already-moralized concepts can enter into criteria for coercion.

The upshot of this analysis is that Zimmerman has been unable to show that we should try to purge coercion accounts of all moral components. 32 Nevertheless, it would be interesting if he had managed to come up with a formula which picks out coercive offers without ever using a line like "P should offer easier terms"--it would be interesting if he had showed the "moral" component of coercion-formulas to be superfluous. Alas, he does not succeed there, either.

A Non-Moralized Account of Coercion

In groping toward a rival account, Zimmerman starts with Nozick's "non-moral" formula: P's proposal is coercive iff Q prefers moving from his pre-proposal situation to his post-proposal situation. 33 Zimmerman notes that, by this base formula, our wretched slave Q is (absurdly) not being coerced when his master P offers him temporary remission from the usual beating, in return for some unpleasant task. So Nozick's formula must be supplemented.

Slave Q would prefer most of all to be in a different pre-proposal situation. (Suppose Q were not a slave at all; then he could greet P's proposal--no beating in return for task--with the scorn it deserves. 34) What's more, master P
is preventing Q's moving to that most-desired situation of nonslavery, by preventing Q from freeing himself. Never mind the rights and wrongs of slavery here—it's an empirical fact that P is actively preventing Q from escaping his vulnerability to P's harsh offer—and that's what makes P's proposal coercive, says Zimmerman. So he ventures his "non-moralized" formula:

P'S PROPOSAL IS COERCIVE IFF:

(a) P WOULD PREFER NOT TO BE MOVED FROM HIS PRE-PROPOSAL SITUATION TO HIS POST-PROPOSAL SITUATION. (Q would prefer to be back where he was before the armed gunman offered him his life in return for his money.)

or else:

(b) Q WOULD PREFER THE POST-PROPOSAL SITUATION TO HIS ACTUAL PRE-PROPOSAL SITUATION, BUT Q WOULD MOST PREFER AN ALTERNATIVE PRE-PROPOSAL SITUATION WHICH P IS ACTIVELY PREVENTING.

Immediately some seeming counter-instances show up, which Zimmerman tries to handle.

Suppose A kidnaps Q and abandons him on an island where A and B run the only two (low-pay) factories. Now if A then proposes that Q work for him on very harsh terms, to avoid starvation, Zimmerman's formula will count A's offer as coercive, since A is (presumably) actively preventing Q from being in a better pre-proposal situation, namely, back on the mainland.

Ah, but suppose B offers Q work on this island on equally harsh terms. Zimmerman concedes that B would be exploiting Q, but not that he is coercing Q. After all, B is not making an offer that Q (in his desperate situation) doesn't want to hear. Nor is B actively preventing Q from moving to a better pre-proposal situation—back to the mainland. So his offer doesn't count as coercive.

Comment: first, this pair of cases reveals a (correctible) technical flaw in Zimmerman's formula. Suppose A originally kidnapped A to the island, but is not now actively preventing him from leaving, any more than B is; (the sea prevents Q from leaving; neither A or B will offer Q a boat-ride back to the mainland. And note: we can't say, "A's refusal of a boatride, but not B's refusal, counts as 'actively preventing' A's escape, because A owes B help in escaping"—that would introduce a "should" component into this value-free formula.) The only relevant descriptive difference now between A and B is that A is causally, ac-
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tively responsible for Q's being vulnerable to harsh offers. (Moralizing theorists would say that difference is relevant because it implies strongly that A should offer Q easier terms—but Zimmerman won't have that.) I assume that A would still count as coercing Q to work for low wages; so that formula must be amended thusly:

P'S OFFER IS COERCIVE IFF
(a) Q WOULD PREFER NOT TO FACT P'S PROPOSAL, OR
(b) P IS ACTIVELY RESPONSIBLE FOR Q'S BEING VULNERABLE TO THIS HARSH OFFER.

This is a mere technical correction, because we still have purely non-moral criteria for picking out coercive offers.

Now, back to B's proposal. It may exploit Q, says Zimmerman, but it doesn't coerce him—because B is not actively responsible for Q's vulnerable situation, and because, given that situation, Q was not unwilling to receive B's proposal. (Indeed, Q would probably prefer to work for B, even on harsh terms, rather than work for his insolent abductor A.) However: suppose B hires Q, makes Q do hard, degrading, unhealthy work for long hours for a bare subsistence wage. What's more, B enjoys snapping orders to Q on the job, to make him jump. Of course, then B is forcing Q to undergo this humiliation of course he's using coercion to extort these degrading performances from Q. Of course B is undermining, limiting Q's freedom.

Or consider an even clearer case. Banker P enjoys forced sex, but is too timid to try physical rape. He discovers to his delight, on his list of 'mortgages due for foreclosure,' the family cabin of loyal, virginal Ms. Q. Now P is in no way responsible for Ms. Q's predicament; but he now has her in his power, since he has adequate discretion to block the foreclosure. She begs to earn the payments by doing honest, menial work—he insists, instead, on her regular complicity in Sin. He keeps reminding her that if she holds back, her family will be out in the cold. Enjoying her impotent anger, he reminds her that he doesn't need to foreclose, but he will if she falters. It would hardly do here to say he "exploits" her but doesn't "coerce" her. He is extorting her agonized compliance; he is clearly forcing her to sin.

Now, given these two clear cases of coercion, where Q is not unwilling to receive P's proposal and P is not actively responsible for Q's vulnerability to such harsh offers, Zimmerman has no call to invent a class of "exploitative, non-coercive offers;" and there's certainly no reason for his ad hoc suggestion that a promise exacted by such proposals should count as "void-as-exploitative," not "void-as-coerced." Zimmerman has not found a satisfactory formula for distinguishing coercive offers from non-coercive

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offers without any mention of "should."

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Four formulae for distinguishing coercive offers have been found defective. (And the defects and inconsistencies of Nozick's formulae have been often noted.) But one formula has pretty well withstood the test of time. Daniel Lyons, in 1975, proposed this formula:

P'S OFFER IS COERCIVE IF

(A) Q IS RATIONALLY RELUCTANT TO TRADE ON THOSE TERMS,
AND IF Q KNOWS THAT EITHER

(B.1) Q IS ENTITLED TO EASIER TERMS THAN P IS OFFERING,
OR

(B.2) P WOULD ORDINARILY OFFER EASIER TERMS "IF HE HAD TO."43

In the discussion since 1975, over 70 interesting cases of possibly-coercive proposal have been discussed; in over 50 of these cases, Lyon's formula correctly predicts the label (coercive or non-coercive) which each author assigns to his own cases. In fewer than 20 cases, the author's label was different (or unclear)—but there seems to be no case cited since 1975 that can't be plausibly classified according to Lyons' formula (hereafter referred to as "the 1975 formula").

How does the 1975 formula compare with the others we've considered? Like Nozick's, it is a "two-baseline" account, using "what should happen" and/or "what would ordinarily happen" to pick out coercive offers. Unlike Day and Vandeveer and Zimmerman, Lyons would allow for coercion by "refusing help except on harsh terms," even when P is in no way responsible for Q's predicament. Unlike Ryan's formula, the 1975 criteria allow for coercion-to-block-rights-violation.

Most theorists would agree that P's offer is coercive if Q is entitled to easier terms—e.g., "I'll sell you your shoes for five dollars." The biggest controversy seems to be over the "would-without-should" clause (component B.2 above). Suppose Q is not antecedently entitled to easier terms, yet P could and would offer easier terms if he had to (still keeping the exchange profitable for P), but P uses his superior bargaining power to insist on harsh terms—is such a proposal coercive?

In testing this formula to see if it leads to counter-intuitive results, we face one problem right away: as was noted in the discussion of Ryan's position, we rarely say in ordinary conversation, "Sam coerced Fred to marry his sister." So to test a formula, we must ask "In this type of
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case, would we say that P made Q comply?" or "... P forced Q to comply?" or "... P used coercion on Z"? or "... P extorted compliance from Q?"

There are many cases, in quite disparate contexts, where "would-without-should" does seem to be relevant to the coerciveness of a proposal.

I. In the 1975 article, Lyons imagined Benefactor P using coercion to get Dean Q to treat female grad school applicants fairly: P threatens to withhold his planned gift to the school unless Q complies. In this case Q had no right to the gift on easier terms; but P would not have set conditions on the gift if this issue had not arisen. Now suppose P's wife says to P beforehand, "Don't make trouble Instead of threatening to withhold the gift you already plan, tell Q you'll give him an extra gift if he'll admit girl grad students. You can afford an extra gift." P might retort: "Dean Q should not be rewarded for showing basic fairness He should be forced to do the right thing" Whether we agree with P's substantive position here or not, it does sound plausible to say that a new gift for Q's compliance would count as a non-coercive offer (because P wouldn't be offering this gift except for this issue), while "Comply or lose the gift I'd planned already" sounds coercive, because P would have offered the gift without strings if this issue had not arisen.

II. Imagine that P is a personnel-hirer, and Q is a woman job-applicant who's not really qualified for this job. Yet P offers to abuse his discretion and offer her the job, if she'll join him in a night of sin. Now imagine two variants of this case: (A) P wouldn't dream of offering her this job at all (except for the sexual prospect), because he'd take some risk in hiring an unqualified person. Then it seems plausible to say that P is inviting her to bribe him. If P wants "friendly sex" with Q, he might emphasize--"look at the risks I'm taking--you can't expect me to take such risks for nothing" (B) But suppose both parties know that P was preparing to offer her the job she's not entitled to (to relieve some pressure for a quota of black workers)--however, once he thought of the sexual prospects, he puts new strings on the offer he would have made unconditionally. Here it seems right to say P extorted sexual compliance in return for the job. (P might even emphasize his power over her, his power to take away the job he was planning to award her, just to emphasize the "forced" tone of sexual encounter.44)
III. Compare these two cases, where P is a government purchasing agent, and Q is a less-than-best bidder for a government contract. Consider these two variants: (A) Both know that P could award the contract to Q with no cost or risk to himself; yet P insists on a staggering bribe, i.e., P extorts a bribe from Q. (B) P must incur some costs or risks to award the contract to less qualified P. P asks for a bribe only large enough to cover his own costs and risks and make it worth his while to "make the deal," even though the amount required is still staggering. Here P didn't extort a bribe, though he did solicit one. (If Q couldn't pay such a large bribe, P would be foolish to award him the contract at all. Notice that it would be easier to imagine Q proposing the second bribe than to imagine Q proposing the first one, even though he pays the same amount in both cases. Note that Q would not feel insulted and resentful about the second proposal, but he would about the first case, where P "made him pay through the nose.")

IV. Imagine that P is in a position to turn Q in to the law, to inform on criminal Q. (Assume P has no loyalty-duty to Q.) (A) Suppose P had planned to turn Q in to collect the handsome reward involved. Q begs him not to; P insists, then, that Q give him the equivalent of the reward he's passing up. P seems to be proposing a non-coercive trade. (B) But suppose instead that there is no reward involved, and, typically, P would not bother cooperating with the police. Therefore, when P proposes to tell the cops unless Q pays up (a lot), Q would be correct to think of P as a crass blackmailer. "Would-without-should," once again, makes P's proposal coercive.

V. Nation P produces oil cheaply, but still insists that Nation Q pay a much higher price for the oil. (Assume that Q is not antecedently entitled to cheap oil from P.) (A) Imagine that P has no reason to hold on to its oil; if it had to, it would sell oil much more cheaply. But still it does, simply because it can, "hold Q up" by "making Q pay through the nose" for oil. P seems to be practicing extortion. (B) But imagine instead that Nation P has practically all the cash now it can productively use; what's more, if it could hold on to its oil for 20 years, the price of oil would quadruple. P sensibly asks a steep price for its oil today, preferring to sell no oil now than to sell oil now at any cheaper price. Impartial observers would hesitate to use "extortion" or "blackmail" to describe P's proposed prices—in fact, they might think P is doing Q a big favor by selling Q oil at all right now.
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In each pair of cases, "what P would do if he didn't have Q's market vulnerability in mind" turns out to be relevant to the coerciveness of P's proposal.

The 1975 formula successfully explains the coercive/non-coercive character of many types of proposal:

P'S PROPOSAL IS COERCIVE IF

(A) Q IS RATIONALLY RELUCTANT TO TRADE ON THESE TERMS, AND IF Q KNOWS THAT

(B.1) Q IS ENTITLED TO EASIER TERMS, OR

(B.2) P WOULD OFFER EASIER TERMS IF "HE HAD TO."

However, there are cases that pose difficulties under this formula also:

Case 1: Talented St. Paul has figured out how to make tents cheaper than any competitors can, so he can sell them at the going rate and still make a large profit. A poor person knows this, and asks him for a discount. Paul has a dozen poor widows he's providing for; he tells the poor customer he must insist on the going price (though he would be willing to take less if he had to). If the poor person wants charity, he says, he should report that evening to the Christian Alms Committee. Should we say Paul is making the man pay the going rate (legitimately)? Or should we say instead that he is simply offering tents at the going rate? If we decide this is not a case of (legitimate) coercion, then this is an objection to the 1975 formula: Paul could and would stay in business even if the selling-price of tents were much lower. (Dilemmas like this may help explain why saints don't like to go into business.)

Case 2: P loves to chop wood--he'd rather chop wood than do (almost) anything else; yet he charges Q the going "fair" price for the chopped wood. It seems P would chop wood for free if he couldn't get paid for it; so it seems P is coercing Q in asking even a "fair" price for the wood, if Q is "rationally reluctant" to pay that much for the wood.

But suppose P has no other income than from chopping. It's not so then that "P would offer the wood for less if he couldn't get the price he now asks for Q." No, P would have to get other work, would have to give up chopping wood, if he couldn't sell his wood at roughly the going rate. No problem for the formula,
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then.

Well, suppose P has an independent income. Then it would be true that P would offer the wood cheaper if he couldn't get the going rate," so it seems he is coercing Q in this trade--an odd claim.

Ah, but Q must be "rationally reluctant" for the trade to count as coercive. Suppose Q can afford the wood easily--but the going rate is rather high for the moderate utility Q gets from the wood (e.g., burning it for effect in his centrally heated living room). This wouldn't be "rational reluctance" in the sense required for coerciveness here.

Suppose, on the other hand, that Q is very poor and really needs the wood to keep from freezing. Then, since P is financially independent, and would offer cheaper wood if he had to, it seems plausible to say he is forcing poor Q to pay the full price (the going price).

Suppose Q does need the wood to heat his house, but he's not poor--he can afford to pay the regular price. I can then imagine P saying, "Here's a man Q who sells his talents for what he can, but he doesn't want to pay the regular price for my work. Believe me, I made him pay the last penny!" (This seems to be a case of legitimate coercion.)

And of course, if P usually charges people less for the wood (which he chops as a hobby), but he insists on this Q paying the full price (since he doesn't like Q), then it's natural to say he forced Q to pay the full price. (In fact, Q might be so insulted by this coercion that he prefers to pay the full price elsewhere.)

Case 3: Dr. P says of Villain Q: "He needed me to treat him. I wanted badly to let him die--indeed, I suppose I should have let him die--but I knew we needed to find out where the treasure was hidden. So I made Q tell where the treasure was before I'd treat him." Here it's not so (a) that Q was entitled to easier terms; nor (b) that P would have offered treatment on easier terms if Q could have refused these terms. (Perhaps P's dislike for Q was so strong he wouldn't have treated Q for half the treasure). Yet the proposal seems coercive.

At this point we could jiggle with Lyons' formula, modifying it "ad hoc" to cover the difficult cases (St. Paul, the doctor-villain case). But one begins to feel that no formula will be exception-proof if it purports to offer necessary and sufficient con-
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ditions for the coerciveness of a proposal.

It might be more realistic to settle for noting "coercive-making" aspects of proposals, aspects that in many contexts make a proposal seem coercive. This is an easy, straightforward project. Some examples: (1) Obviously, without "harsh terms," a proposal won't usually seem coercive. (2) "Q is entitled to easier terms." This will often by itself, make an offer seem coercive.

(2a) If P caused Q's predicament, made Q vulnerable to this harsh offer, then this gives a stronger coercive flavor than do other "reasons for Q's being entitled to easier terms." (3) "P offers harsh terms; but P would find it profitable to offer easier terms, if he had to." This characteristic typically lends a coercive flavor to offers. (4) If the y which P requests from Q is "not-germane" to typical offers of this type, then this is a "coercive-making" aspect: "Quit seeing my sister, or I'll fire you" seems more obviously coercive than "Work harder or I'll fire you." (5) If P's proposal tempts Q to do (reluctantly) what Q sees as immoral or base, then the proposal tends to seem coercive. (6) (a) "Rich boss P could offer easier terms, but he forces' Q to work for low wages." (b) "Rich boss P could offer easier terms, but he forces' Q to work long, hard hours, doing dangerous work." The second case seems more obviously coercive.

Will these tentative pointers suffice? Or do we sometimes need a clear line between coercive and non-coercive proposals?

Here we should ask why we care about the coerciveness of offers. There are many different contexts where the question arises: (A) Was Sam's promise/contract void as (illegitimately) coerced?47 (B) Was Sam's misconduct excused or justified because it was coerced?

In answering questions of these two types, judges do seem to need to draw lines—which they do readily, without much consulting with philosophers. (C) Sam performed a meritorious act—should he lose "credit" because his act was coerced? (D) Sam wanted to coerce Fred without seeming to. What aspects of his proposal should he de-emphasize? (E) Sam brags that he "made" Fred do his will. How judge if the brag is warranted? (F) Sam wants to emphasize the coerciveness of his proposal, to "rub A's nose in it." What aspects of his proposal should he emphasize? (G) Sam believes that Fred should be forced to do right, not rewarded for doing his minimal duty. What characteristics should Sam's proposal feature? (I mention these last five odd contexts only because they are non-ideological contexts useful for testing claims about coercive offers.)
Finally, there are some famous political controversies, e.g., (H) Does a free-market economy (vs. a socialist economy) coordinate production and consumption without using coercion?

Lyons' formula seems to cast doubt on this claim. In the free-market economy, proposers often use their extra bargaining power to force others to comply on harsher terms than the proposers would settle for if they had to. At the very least, such proposals share a similar logical structure with many clearly coercive proposals.

But let us ask again why we care whether market economies use coercion to coordinate production. We presume that coercion is typically wrong, as somehow offending against human dignity. And the customary argument goes, "If the socialist economy does, but the market economy doesn't, use coercion to coordinate production, then socialism offends in a special way against human dignity, which is one black moral mark against socialism." In other words, the pro-capitalist first justifies the abstract tag "coercion" as a label for socialist economic relationships, and thus justifies a moral black mark against socialism.

But it seems more sensible to describe fully the way job-relationships actually function in both kinds of society (e.g., bureaucrats controlling job-cards in socialist economies, rich corporations hiring wretched Hong Kong natives on the corporations' terms) and then ask directly how such job-relationships affect human dignity. We don't really need the intermediate step of asking first whether Sacred Words like "liberty" or "coercion" truly apply.

I will be exploring such an alternative approach in a later article. For now, let me summarize: the 1975 formula seems the best we have so far for picking out coercive proposals—but there are a couple of odd cases it can't cover. Thinkers who feel we need clear lines marking off coercive proposals should perhaps concentrate on testing this formula, refuting it with counter-cases, or revising it to cover as many cases as possible.


5. "H's offer does not make T unable to do what he can ... now do ... This is the vital difference between threats and conditional offers, on which hinges the fact that threats curtail liberty and conditional offers do not." Day, 259.


9. Ryan, 487.

10. Ryan, 483, 484, 487.


12. Ryan, 489.


16. Ryan, 495.

17. Ryan, 494, 495.

18. Ryan, 495.


21. Mentioned by Zimmerman on p. 127, note 11. Zimmerman (on pp. 121-3) ascribes a thoroughly-moral account of coercion also to Robert Nozick's book Anarchy, State and Utopia. But in the passage cited, Nozick is offering a formula for the "voluntariness" of Q's response! In claiming that Q's response is voluntary, Nozick is not committed to
say that P's proposal was non-coercive. (Some theorists say that legitimate coercion does not render a responding choice involuntary.) Strangely, there is no reference to "coercion" at all in the index of Nozick's book!

22. Zimmerman, 126, 127.
27. Zimmerman, 123.
29. Zimmerman, 123.

31. This is one kind of coercion recognized by Daniel Lyons' 1975 formula, referred to by Zimmerman on p. 125, note 7 and p. 127, note 11. More on this formula later.

32. Zimmerman says (on pp. 127-8) that two-baseline accounts are not elegantly simple: they need two distinct explanations for the two kinds of coercive offer they pick out. Not so of Lyons' 1975 formula: in case (3), P would ordinarily offer easier terms if he had to. This offer is presumed wrong because it's contemptuous and humiliating; in case (4), P should offer easier terms; it's wrong as insolent and humiliating. One explanation suffices to explain the wrongness of both types of coercive offer.

33. Zimmerman, 131.
34. Zimmerman, 132.
35. Zimmerman, 133.

37. I've reformulated Zimmerman's formula (from p. 133) to add condition (a). Condition (b) was offered by Zimmerman just for cases when (a) won't work alone--(b) is intended to supplement (a). Also note, about Zimmerman's condition that the desired alternate pre-propositional situation be "feasible"(p. 132)--this condition is redundant: P couldn't be "preventing" a situation that is impossible anyway!

38. Zimmerman, 133.
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40. p. 134: "The person [who coerces] undermines or limits the freedom of the person [coerced]." Zimmermann notes that if A actively prevents Q from escaping, then A is wronging Q in two ways, B in only one way. But this does not show that only A is coercing Q.

41. It might be objected that Ms. Q is worse off for receiving P’s proposal, since he contemplates foreclosure only to back up his awful proposal. But that’s not the case here. The cabin would have been routinely foreclosed if P had no sexual interest in Ms. Q. So loyal Ms. Q thinks she is (slightly) better off to face the new option [sin or foreclosure]. We might suppose also that P would have offered easier terms if he hadn’t seen the chance to coerce Ms. Q; he might have taken a small bribe to block the foreclosure, since he obviously has no moral or prudential scruples about abusing his discretion.

42. I have not tried here to show that every exploitative offer must be coercive. But I doubt strongly that anyone can cite a proposal that is clearly exploitative and clearly non-coercive.


44. It has been maintained that, since offers of undeserved professional favors in return for sexual favors tend to degrade the status of women in general, each such offer would automatically be considered coercive. However, for each woman, the prospect is that she would gain more than she would lose from such an offer—so she may not be reluctant at all to receive such a proposal. And even if she is reluctant to comply, the offer may not count as coercive under conditions like those in case (II.A) above. Under conditions like (II.B), the offer counts as coercive without any reference needed to "effects of such proposals on the status of women in general." Cf. John C. Hughes and Larry May, "Sexual Harassment," Social Theory and Practice 6 (1980), 249-280.

45. Lyons cautiously asserted his formula only as a sufficient condition of coercion—but it seems to work well also as an "iff" formula.

46. That is, against the 1975 formula reinterpreted as an "iff" formula.