

Anderson on Coercion

I won't contest Scott's claim about the antiquity of the "enforcement" conception of coercion, nor with his claim that it enjoys other kinds of priority over the "pressure" conception. But I do think that Scott has missed the point of much of the recent discussion of coercion. What is that point?

Scott certainly intends to engage those discussions; for he writes:

"It may seem that I am giving a lot of attention to just a word, and that there's no good reason why we should focus on 'coercion' rather than, say, 'compulsion,' 'force,' or 'pressure.' In some sense that's right, and I do not mean to fight over proper linguistic usage. Nonetheless, a robust set of debates has sprung up around the proper understanding of coercion, so my intention here is to intersect with those other philosophers and theorists who have attempted to think seriously about this topic." (p. 2-3; citations are to the shorter version of his paper)

So, although mapping the conceptual/linguistic terrain might be of interest in its own right, Scott intends his analysis and argument to do more than merely that. For instance:

"In more theoretical discussions, one might object to certain government actions on the grounds that they are paternalistically coercive; one might also reject the legitimacy of a government and/or its laws if it fails to protect one against the private use of coercion by others. In thinking about these matters and others, it can be useful to know what is being discussed under the heading of coercion—that is, what sorts of impositions count, and how one might tell. So part of my goal here is to show how we can conceptualize coercion in a way that can explain its apparently portentous implications, and so we can recognize it when it occurs." (p. 3)

I agree wholeheartedly that it is worthwhile to get a grip on the concept of coercion in a way that "can explain its apparently portentous implications." But I don't think Scott has adequately identified what those "portentous implications" are. Worse, he seems not to have a sure grasp of what they are. This comes out in his discussion of "moralized" accounts of coercion. He says:

"There has been much discussion amongst coercion theorists over whether coercion is an inherently moralized concept [By calling a theory of coercion "moralized," I mean that one cannot reach judgments about whether coercion has occurred without relying on some antecedent moral judgment or premise.]. Then [*sic*]

enforcement approach hopes to render a concept that can provide moral or normative guidance, though it is not itself an intrinsically moralized approach to coercion. I claim this because our understanding of coercion on this approach does not call on us to make any specially contentious normative judgments....If this account turns out to be acceptable, it will therefore be better suited to help us make other normative judgments, since it will not necessarily beg those same questions." (p.10)

The "enforcement" approach, Scott assures us, can be useful because it "does not call on us to make any *specially contentious* moral judgments." I find this remark puzzling. Are we to understand, then, that the "enforcement" approach *does* call on us to make *uncontentious*, or not *specially contentious*, moral judgments? That seems to be what's intended. Does it then call on us to make *contentious* moral judgments in order to locate where and when coercion occurs in the world? Scott seems to grant that, too –but with the assurance that the moral judgments required won't be *specially contentious* – and therefore the "enforcement" approach can be called upon to serve as an honest broker when the issue requires a *specially contentious moral judgment*.

When might that be? It turns out that Scott is untroubled by the routine invocation of the coercive nature of the state and its laws.

"Consider, for instance, the lowly parking fine: if one parks at a meter, but refuses to pay the required fee, one risks incurring a fine (say, \$25 or \$100; not nothing, but something far short of death or incarceration). Most would agree that the threat by municipalities to impose such fines constitutes coercion." (p. 16)

Most, I'm sure, would agree. Most would agree that the coerciveness of the municipality's threat is, like coercive threats generally, at least *prima facie* wrongful. So, it is fair to say that calling the municipality's threat coercive involves making a moral judgment. But –not to worry— that moral judgment is, if really controversial at all, not "specially" so. In a footnote, Scott addresses this:

"One might deny that coercion is at play here, on the grounds that such laws are just, and therefore the threat of enforcement of these laws is rendered non-coercive, according to certain recent theories of coercion. For an exponent of this view, see William Edmundson....This view is sufficiently recondite and divergent from our longer-standing views of the coerciveness of the state that I will not worry about it here."

Flattered as I am to have been cited at all, I am dismayed that the view attributed to me is not one I ever expounded. (Its allegedly being “recondite and divergent” does not trouble me so much.) The “ground” for denying that coercion is uncontroversially in play in the example is not that the law at issue may be just. The category “coercive, but, on balance, just” is not an empty one. What I have doubted is that the law per se is coercive in any *sense that renders it prima facie wrongful*. Consider the following variant of the parking ticket case:

Joe the Proprietor owns a house in the neighborhood of a football stadium. On game days, he puts a jam jar next to his driveway and a sign that says “Park here: \$10. Cheaters subject to \$25 surcharge or violent force short of death or incarceration.” Most would agree that the threat by Joe the Proprietor does not constitute coercion, not even coercion that happens to be justified. It is not coercion at all.

What is it that makes the threat coercive if it is the municipality’s, but not coercive –but, at worst, merely a hard bargain-- if the threat comes from Joe the Proprietor? It would be question-begging, and mistaken, to assume that the municipality’s threat is coercive just because what is law is ipso facto coercive. If one’s intuition is that Joe’s threat is coercive but not prima facie wrongful, then the question becomes: why is the municipality’s coercive threat prima facie wrongful? It, again, would be question-begging and mistaken to assume that private coercion is not per se prima facie wrongful, but state coercion is.

Scott, later, acknowledges that “The question is, what is it about coercive threats that makes them a matter of special moral concern?” (p. 21) I agree that that indeed is the question. The answer, rather obviously, is that coercive threats are prima facie wrongful to make, and whatever is prima facie wrongful is a matter of “special moral concern.” I don’t think Scott misses this; for he does seem to be addressing the natural further question, “*What is it about coercive threats that makes them prima facie wrongful?*”, where he writes:

“The significance of coercive threats lies not (just) in the pressure they generate to do (or not do) one thing, but rather in the fact that they involve creating and/or leveraging a much broader power differential between coercer and coercee. Because of this differential, those subject to threats may find themselves generally disabled from whole ranges of actions which might help them to mitigate their losses, or to seek aid, or to find alternative solutions.” (pp. 21-22)

Is there, then, something prima facie wrongful in “creating and/or leveraging a much broader power differential”? That, surely, must count as a “specially

controversial moral judgment,” in part because an unqualified affirmative answer would tend to efface intuitive distinctions between coercion and hard bargaining, and between coercion and competition.

The stakes for political philosophy are enormous. If we are confident that we can identify coercion without making any “specially controversial moral judgments,” and confident that the state and its laws are inherently coercive –down to the level of the parking-meter ordinance—then the central task of political philosophy takes on a radically different complexion. That task is to show how the state can legitimately exercise authority over unwilling, autonomous individuals. Whether that task can be successfully carried out *is* specially controversial, if anything is. Scott seems to seriously “misunderstate” this, where he writes:

“I am here assuming that states do legitimately hold a monopoly on the use of coercive force, an assumption which is sometimes questioned...” (p. 25)

Sometimes questioned? The truth is that the questioning of this assumption has been (one of) the central preoccupation(s) of the political philosophy of the last half-century. If the state is coercive, and if what is coercive is *prima facie* wrongful, then any apology for the state carries a burden of persuasion, which, if not carried, decides the issue in favor of some variety of philosophical anarchism.

The supposition that the state and its laws are inherently coercive has taken over the rhetorical role formerly occupied by a “presumption of liberty.” Rawls, for example, eschewed any appeal to a natural right of liberty, but insisted that the coercive nature of political power is what raises the question of its legitimacy. See *Political Liberalism* 136-37 (1993 ed.)). H.L.A. Hart explained where the supposition that political power is inherently coercive leads:

“We are committed...to the general critical principle that the use of legal coercion by any society calls for justification as something *prima facie* objectionable...for where there is no *prima facie* objection, wrong, or evil, men do not ask for or give *justifications* of social practices, though they may ask for and give *explanations* or may attempt to demonstrate their value.” *Law, Liberty, and Morality* 20-21.

What Hart and Rawls voice is the rejection of the classical view of politics as the natural condition of man, and that view’s replacement with the view that politics is tainted by its essential coerciveness. That taint remains even if, on balance, the state is justified; and that taint requires that state power be excluded from any sphere where it cannot uncontroversially be extended.

This (mis)understanding is what has made coercion of special interest to political philosophers.

--Bill Edmundson
