



Ethics // Spring 2026

Handout 10

Coercion and coercive offers: Wertheimer

SENSES OF COERCION. Coercion claims are contextual. Rather than seeking a single, univocal definition, we must be sensitive to the specific descriptive and normative force a coercion claim is meant to carry in a given instance. So let's distinguish between the normative force of a claim (e.g., whether a contract is voidable or a defendant is not guilty) and its truth conditions, which are the factual or moral states of affairs that must be met for a claim to be valid. 184

Wertheimer identifies several contexts where coercion terms or related expressions like 'being forced' or 'having no choice' are used:

(10-1) **Non-volitional and constrained volition:** Coercion claims describe cases where movements are non-volitional or where volition is constrained to cancel legal and moral effects, such as obligations to keep a promise or responsibility for an immoral act. 185

Explanation and justification: A claim may justify an action as the only prudent or reasonable choice under specific background conditions, such as a football coach going for it on fourth down or a mugging victim surrendering a wallet. 186

Spirit of action and limited options: Claims can convey that an agent acted reluctantly or signed an oath under protest. Alternatively, they may draw attention to a person's very limited options, such as the poor being forced into the military due to a lack of civilian career opportunities. 186

Legal and non-legal requirements: Coercion often denotes behavior required by law, such as compulsory seat belt use, or non-legal requirements, such as university degree requirements. 187

Inducements and pressures: Coercion claims may highlight the efficacy of informal social pressures or inappropriate inducements that make refusal seem irrational. 187

Wertheimer rejects the equivalence thesis, the idea that all coercion claims share identical truth conditions. He uses the following example to show why different normative forces require different underlying facts: 190

(4) Coerced confessions are not valid.

(5) Agents are not responsible for acts they are coerced into performing.

The facts sufficient to establish that a confession is invalid (4) may not be sufficient to establish that the agent is entirely relieved of responsibility (5).

Therefore: 'x is an act of coercion' doesn't have a single set of necessary and sufficient conditions. It refers to a family of concepts that shift based on the moral work they are intended to do.

COERCIVE OFFERS, AGAIN. Plausibly, threats coerce and shrink or cancel freedom altogether while offers enhance freedom. Wertheimer challenges this by analysing the baselines used to distinguish between the two. The heart of the distinction is that a threat proposes to make an agent worse off relative to a baseline, while an offer proposes to make them better off. 204

Wertheimer suggests three primary tests for setting the baseline:

(10-2) **Statistical test:** This test defines the baseline as the normal and predictable consequences of the agent's present position, essentially a projection of the status quo without the proposer's intervention. 205

Moral test: This test defines the baseline according to what is morally required. A proposal is a threat if it makes the agent worse off than they have a right to be. 207

Phenomenological test: This test focuses on how the proposal is seen or felt by the recipient, regardless of its objective or moral status. 207

Coercive offers often emerge when these tests deliver different results. Consider again the drowning case:

(10-3) A proposes to rescue a drowning B if B agrees to pay ten thousand dollars.

Under a statistical test, this is an offer because B would otherwise drown. But under a moral test, if A is morally required to rescue B, the proposal is a threat because it makes B's rescue conditional on a payment he should not have to make. Wertheimer notes that inducements can be described as coercive when they are inappropriate or so great that refusal is completely irrational. For example, a synagogue tuition structure that is so much higher for non-members that it pays to become a member can be seen as a coercive price structure. 187

Ultimately, Wertheimer argues that what might be called an 'exploitative offer' (=an offer that leaves an agent better off relative to their current situation but worse off than they morally should be) can function coercively. We appropriately use the language of coercion for such offers when our experience is not purely moral but is defined by where we think we are as opposed to where we have a right to be. See Figure 1 (that follows Wertheimer's Figures 5–7). 216

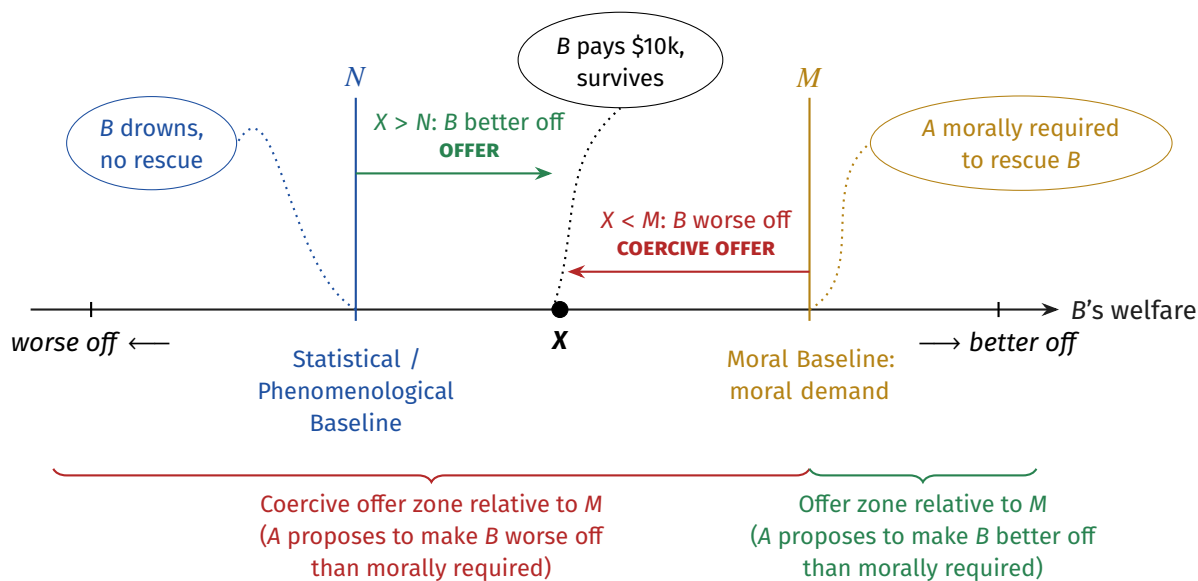


Figure 1: Wertheimer's coercive offer: drowning case

WERTHEIMER AND FEINBERG. Let's look at the similarities and differences between Wertheimer and Feinberg wrt coercive offers. Both agree that the legal and moral effect of consent is not a fixed empirical fact. It varies according to the legal purpose at issue. So in cases like the 'lecherous millionaire', an agent's consent may be voluntary enough to serve as a defence in criminal law (=no sex crime was committed), but not sufficiently voluntary to make a contract binding (=the contract is voidable).

Also, both believe that we can't distinguish a threat from an offer without fixing the baseline. A proposal is an offer if it leaves the recipient better off than the baseline, and a threat if it leaves them worse off.

Now to the differences. Other than the obvious differences in the conceptual framework, there is different emphasis in the 'lecherous millionaire'. Feinberg judges it to be a 'freedom-enhancing coercive offer'. It is coercive, because it forces a choice between two evils. But it is freedom-enhancing, because it adds a new 'track' to a dead-end situation. According to Wertheimer, there is no single right answer to the question whether this is an offer or a threat. We should simply choose between statistical, moral, or phenomenological baselines.

At the end of the day, their differences on this issue seem to be terminological, not really substantive.