

COERCION AS AN EXCUSE

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Being trapped in a mountain cabin by a snow drift and being locked in the cabin by the owner are very different things. Both deprive you of freedom of movement but the owner deliberately forces or compels you to remain; resentment replaces frustration. Such coercion also takes the form of threats, as when a parent gets their child to eat their dinner by proposing to confine the child to its bedroom. Moralists have long regarded coercion in either form as an especially problematic way of getting another person to do as you wish. It is frequently wrong to force someone to do something, a wrong which wrongs them. Sometimes this is wrong because you shouldn't be inducing them to do this thing at all, sometimes it is wrong because compelling them to do it has harmful effects (e.g. wounding them, traumatising them or shattering our social peace) but coercion is frequently wrong regardless simply because it deprives someone of their liberty.

The idea that coercion undermines liberty has also aroused some scepticism. Brute force, physical obstacles etc. clearly limit people's ability to move their bodies but is the same true of threats? To lock a person in a room is to deprive them of their freedom of movement whilst a threat to lock them in unless they pay up (or eat their dinner), it has been said, simply changes the terms on which they can leave.¹ The mountaineer must decide how to respond to the snowstorm that will block their cabin door unless they purchase a good shovel and they must also decide how to respond to a threat to lock them in unless they give me a similar sum. Why should the latter decision be any less free than the former (Hobbes 1994: 136-7)?

Any account of how coercion deprives us of our liberty should cast light on two aspects of the normative significance of coercion. First, coercion offends wrongs its victim. Second coercion is often responsibility-depriving. As to the latter, if I lock you in a room, I alone get

¹ In both cases brute force affects the person's situation, in one by constraining their movement, in another by depriving them of an option (that of leaving without paying). Still in the latter case they remain in the room only because they decide to do so and we must explain why this decision is not free.

the credit or the blame for your remaining in that room and the bank robber who makes the teller hand over the cash at the point of a gun assumes responsibility for the teller's actions.²

According to the *value of choice* model, coercion wrongs us by depriving us of a valuable option, one to which we are entitled, thereby curtailing our rightful *freedom*. Threats as well as brute force can curtail our freedom in this way. Putting you in chains is one way to limit your options but, so the thought goes, threats also constrain you by attaching a significant cost to an (otherwise) desirable option. Moreover, your having been given a poor choice explains why you are not to blame for making it. Thus, on the value of choice model, the fact that coercion curtails our freedom accounts *both* for its wrongfulness and for its responsibility-depriving effects.³

I shall propose an alternative *excusatory* model of coercion which treats the responsibility-depriving character of coercion as fundamental. On my excusatory model, the wrongfulness of coercion lies in its curtailment of our liberty rather than of our freedom.⁴ Liberty is a social status, the status of being deemed a responsible agent and to value liberty as such is to value being held responsible for one's actions (for good or ill). Few people relish being deemed *blameworthy* (i.e. culpable) being vulnerable to (justified) resentment or indignation. On the other hand, we each have an interest in being taken seriously as responsible agents and so in being regarded as an appropriate object of *either* praise or blame. On occasion we may, all things considered, prefer to be relieved of such *accountability* (as I shall call it) but we don't value such treatment for its own sake. This paper will argue that we are wronged by coercion (as such) in so far as coercion is in this sense responsibility-depriving.

² Are you wronged when I threaten to pinch you unless you hand over your wallet even though there is no deprivation of responsibility because the threat is too trivial to excuse your handing over your wallet? If you are wronged here, it is not because I am making a serious attempt *coerce* you. Our topic is coercive threats.

³ For the value of choice model see (Hart 2008: Chapter 2), (Scanlon 1998: Chapter 6) and (Kolodny 2023: 50-1, 64-5, 68-72). The label is Scanlon's.

⁴ On the difference between liberty and freedom, see (Owens 2026).

The first section contrasts these two models of coercion, developing an account of excuse that differentiates it from two other forms of exculpation: justification and exemption. I also note aspects of the exculpatory force of coercion which the value of choice model finds it hard to accommodate. The second section argues that my excusatory model explains the wrongfulness of coercion better than the value of choice model. The third and final section elaborates that model, accounting for the exculpatory force of coercion by reference to the social rules around excuse rather than the motivational psychology of individuals. Here I develop an account of executive virtues and vices like courage and cowardice, one which highlights the conventionality of these ideals of character.

1. Responsibility, Justification and Excuse

Let's distinguish three different forms of responsibility. In the broadest sense, you are responsible where the deed's status as a justified or an unjustified action depends on what you knew or ought to have known about it. This is our first form of responsibility:

imputability.⁵ Where an action is imputable to you, appropriate assessments of and reactions to what happened should be directed at you but that leaves it open *how* people should react to what you did. In this paper, we are particularly concerned with *blameworthiness*, with the aptness of reactions blame, indignation and resentment from others, as well as guilt and shame felt by oneself. Blameworthiness is not itself a form of responsibility: rather the distribution of blameworthiness is something to be explained (in part) by the distribution of responsibility.

There are various reasons why it might not be apt to blame you for a deed even though that deed is imputable to you and is at least *prima facie* wrong.⁶ For one thing, you might not be to blame because you had a perfectly good *justification* for doing what you did. That justification will shield you against blame and may even entitle you to praise. Here, I shall say, you remain *accountable* for your deed even though you are not blameworthy for it, so long as it remains the case that you would have been to blame had you lacked an adequate

⁵ Compare 'attributive responsibility' (Scanlon 1998: 248-9) and 'basic responsibility' (Gardner 2007: 131-3).

⁶ Here I leave it open whether wrongdoing can be justified or whether a justification demonstrates that its wrongfulness is only apparent. See (Owens 2012: Section 17).

justification for doing what you did. Though justified actions are not blameworthy, the agent (for example our bank clerk) may still be accountable for them. *Accountability* is our second form of responsibility.

We must distinguish accountability from imputability because, as I shall argue below, justification is not the only form of exculpation, even for those who are capable of responding to justifications.⁷ It might instead be inapt to blame you for a deed that is imputable to you because you possess an *excuse*. You may have an excuse for doing something, an excuse which partially or entirely shields you from blame, even though you have no adequate justification for what you did. Such an excuse *does* deprive you of accountability for an action because it ensures that you are no longer to blame for it even though you can't justify your action. Yet the action remains imputable to you in that the deed's status as a justified or an unjustified action depends on what you knew or ought to have known about it. In one sense you remain responsible for the action – it remains imputable to you – whilst in another sense you are deprived of responsibility for you are no longer accountable for it.⁸

Both imputability and accountability are to be distinguished from a third form of responsibility namely *liability*. One is liable for an action and its consequences in so far as one must bear certain costs associated with the action: offer an apology, pay compensation, suffer punishment etc.⁹ Liability bears a complex relation to other forms of responsibility and, in this paper, we'll largely ignore it. With this terminology in hand, I'll now offer a more exact statement of our two models of coercion.

Let's begin with the value of choice model. Where coercion takes the form of brute force, the act is no longer imputable to me; my remaining in a locked room is not something I do but something which happens to me. On occasion, threats may also undermine imputability

⁷ I shall be using 'exculpation' to refer to any consideration which renders blame inapt: justification, excuse, exemption etc.

⁸ The word 'accountability' is more commonly used either as a synonym for 'imputability' or as a synonym for 'blameworthiness' but I am using it to mean neither.

⁹ 'Liability' as I use it is equivalent to what Scanlon calls 'substantive responsibility' (Scanlon 1998: 248-9) and Gardner 'consequential responsibility' (Gardner 2007: 131-3).

as when a bank clerk, driven out of their mind by the sight of the gun, reflexively hands over the money, an action which escapes the control of their judgment about what they ought to do. This is not the usual case.¹⁰ More likely the clerk hands over the money because they decide to do so and so decide because this seems like the only sensible thing to do; their life is more important than the bank's money. Here we have imputability without blameworthiness since their action is justified. Furthermore, the justification which shields them against blame also deflects liability: they should not be fired.

Given all this, what might it mean to say that responsibility for the theft is *assumed* by and not merely *shared* by the robber? Usually no deprivation of imputability occurs – it is still up to the bank clerk to justify handing over the money and, for all that has been said, the clerk also remains accountable in that their blameworthiness turns on whether they can justify handing over the money. On the other hand, the bank clerk is relieved of blameworthiness (and of liability) by their possession of a perfectly adequate justification. Moreover, having provided the clerk with an adequate justification for stealing the bank's money by removing any eligible alternative, the robber is solely to blame for (and liable for) the theft.¹¹ Blameworthiness rests with the robber, not the clerk. So says the value of choice model.

I've presented the value of choice model as an account of the normative significance of coercive threats but it is worth noting that a similar story applies in cases of necessity. Suppose the prospect of a naturally occurring flood forces you to take a longer route and so makes you late for an important meeting.¹² Where that prospect justifies your choice, it shields you from blame for lateness. Here we have exculpation without wrongful coercion. In what follows I shall focus on cases of coercion, leaving it open whether the value of choice model provides a good account of the normative significance of necessity.¹³

¹⁰ (Scanlon 1998: 279-80, 291-2), (Wallace 1996: 146) and (Pallikhathayil 2011: 4-6). Scanlon acknowledges the existence of 'rare' cases in which the clerk is driven out of their mind by the threat and so deprived of 'attributive responsibility' (Scanlon 1998: 400-1). See also (Wallace 1996: 160 and 179) and (Duff 2002: 64-5).

¹¹ For an account along the same lines of how coercion invalidates contracts, promises and other exercises of normative power, see (Hart 2008: Chapter 2) and (Scanlon 1998: 256-67).

¹² (Scanlon 1998: 402) and (Frankfurt 1988: 45-6).

¹³ In an intermediate scenario, some third party creates the prospect of a flood by damaging an irrigation system with a view to ensuring that you would be late for our meeting. Here the third party wrongfully forces you to be late by rendering certain choices unsafe and yet there is no communication with the third party; you may remain quite unaware of their existence. Raz requires communication in his definition of coercion (Raz

As just presented, the value of choice model of the exculpating force of coercion presupposes a rich set of normative facts, facts which fix the extent of our rightful freedom. The model assumes that people are entitled to certain options, that they are wronged by being deprived of those options and that such wrongs sometimes justify responses which are *prima facie* wrongful (Scanlon 2008: 74-82). Though the specific assumptions underlying the above illustrations may seem plausible enough, is the value of choice model really entitled to make them? We'll return to that issue in the next section. For now, I'll highlight another of its presuppositions which I'll call *Rationalism about Responsibility*.

For the rationalist, imputability and blameworthiness are related as follows: an action is imputable to me when it is down to me to justify that action and I am blameworthy when I cannot meet that expectation. On this view exculpation must involve either *justification* or what I'll call *exemption*, either the possession of reasons or an incapacity to act on reasons. Where one's action is justified, one avoids blame because one had sufficient reason but some agents are not to be blamed for what they did even though they lacked any adequate reason because they are exempt from the demand for justification. The clearest cases of exemption by coercion are where physical force is applied. When locked in a room one's continued presence cannot depend on whether one thinks there is good reason to remain there. Here one is exempt because of an incapacity: one is unable to control where one is by forming a view about where one ought to be and so one's remaining in the room is not imputable.¹⁴ The rationalist allows that the same incapacity might occasionally be created by a threat, as in the case of the terrified bank clerk who impulsively hands over the money, regardless of what they judge best; they too are exempt.¹⁵

For the rationalist, justification and exemption are the sole forms of exculpation, an exculpation which shields you from both other-regarding (blame etc.) and self-regarding

1986: 149) but not in his characterisation of what it is to be forced to do something (Raz 1986: 151-2). I leave it open whether this is an example of a coercive threat.

¹⁴ Note this capacity for reflective control is a condition of the imputability of *actions* and not (in my view) that of other mental phenomena (Owens 2017: Introduction).

¹⁵ For defences of rationalism see (Wallace 1996: 143-7), (Scanlon 1998: 267-90) and (Bruno 2023). The rationalist may recognise forms of exemption other than brute force such hypnosis, compulsions, and phobias. See (Wallace 1996: 166-180) and (Owens 2023: 300).

(guilt etc.) reactions to wrongdoing.¹⁶ The only way to avoid blame is to argue either that you did what you reasonably believed to be the right thing to do or else that you were incapable of doing the right thing. I shall now argue there are instances of exculpation by coercion that don't fit easily into either category, cases in which the aptness of the other-regarding and of the self-regarding reactions may come apart. It is the occurrence of such cases which leads me to distinguish accountability from imputability.

Suppose the gunman requires our bank clerk not merely to hand over the money but to risk seriously injuring one of their colleagues.¹⁷ Here it is much less obvious that obedience would be justified and the greater the risk, the less obvious that becomes. Moreover, the clerk's compliance may be clearly deliberate, at least when compliance involves a sustained course of action. Here compliance is imputable to the clerk and so where it would be unjustified, we expect the clerk who gives in to act not merely with regret or reluctance but with both shame and compunction.¹⁸ Yet do we blame them? Here it may be that whilst (a) everyone, including the clerk, doubts that compliance is justified (b) everyone, including the clerk, is quite unsure that they are literally incapable of facing down the threat *nevertheless* (c) we are all confident either that the clerk should not be blamed for obeying or at least that their blameworthiness is much mitigated by the threat they face. Though the clerk should feel both guilt and shame and we may disdain their weakness, the threat constitutes an excuse shielding the clerk from all or part of the blame which would otherwise come their way. In such a case the clerk's accountability is compromised by the threat whilst the robber remains fully accountable for what happens.

Recognising the category of excuses complicates the issue of responsibility. If I am right there is a class of agents who, though capable of answering for their actions are not expected to answer for them i.e. they won't be blamed for their inability to justify what they

¹⁶ I'm not denying that rationalists use the word 'excuse'. For example, Wallace tells us that anyone with an excuse has a shield against blame because they have not really done anything wrong (Wallace 1996: 120-136). On pp. 143-7 he offers examples of two sorts. In one the agent is exculpated because they were justified in doing what they did, because they had 'no reasonable alternative' (146). In the other the agent is exculpated because 'the agent's ability to do what is morally required' (145) has been impaired. (See also p. 160 and p. 171). I shall be using 'excuse' to pick out a third shield against blame which involves neither of these things.

¹⁷ For a related example see (Simester 2021: 17.3.1). (Duff 2002: 65) considers people who perjure themselves in court in response to threats of retaliation.

¹⁸ (Owens 2023: 305) and (Sliwa 2019: 63-71).

do. In virtue of having an excuse they are deprived of responsibility-as-accountability even though their responsibility-as-imputability remains intact. This may also be so where there is no coercion. When I shout at my partner after a very bad day at work, emotional exhaustion might constitute at least a partial excuse even though I am not justified in shouting and remain capable of not shouting.

Could the rationalist fit such excuses into their framework by treating them as partial justifications? Perhaps the danger of being shot partially justifies the clerk's compliance and thereby partially exculpates them, reducing their blameworthiness. One imagines the bank clerk reflecting that, though wrong, risking injury to their colleague is not *such* a bad thing to do in the circumstances: 'the threat makes compliance more acceptable and so I shall comply to avoid injury to myself'. Here the clerk anticipates at least a partial exculpation. On the other hand, were this the whole story the clerk would be showing uncommon *sang froid*. Most of us would *fear* for our safety, animated by that strong emotional attachment one has to one's own life.

Fear amplifies the motivational force of the robber's threats. This 'amplification' can work by making the threat appear more lethal than it really is. It may instead (or in addition) give the threat a motivational impact which goes beyond its (apparent) severity or credibility and leads the clerk to put their colleague in more peril than they feel justified in doing.¹⁹ If human beings never felt afraid or angry, I doubt excuses like duress and provocation would exist. Be that as it may, the mechanism of exculpation by excuse differs from that involved in any justification, whether partial or complete.

The exculpatory force of a justification is not undermined by the mere fact that you act upon it, that you are moved by the force of the justification.²⁰ Matters are otherwise with the exculpatory force of an excuse and so also of coercion in so far as it excuses. You can't coherently do something because you judge that you'll be entitled to the *excuse* of acting

¹⁹ (Williams 2005: 4) and (Nozick 1974: 65-71) make fear central to coercion. On the amplifying effect of desire and emotion, see (Scanlon 1998: 37-41) and (Gardner 2009: 20-22, 40-44).

²⁰ Some hold that you *must* act on your justification for it to justify your action. For discussion see (Gardner 2007: 91-103).

under duress if you do it. The point is especially obvious where fear motivates wrongdoing by distorting your estimation of the danger, leading you to a mistaken and indeed unreasonable judgement about how you are justified in behaving. Here the thought that your fear will excuse you can make no contribution to your practical deliberations since you feel no need of an excuse. Fear pre-empts any such reasoning by instead acting directly on your beliefs about what you are justified in doing. We may excuse your panic but you can excuse yourself only in retrospect.

The same point applies when fear works not by distorting your estimation of the danger but by sapping your will to confront it: being motivated by the thought that your fear will excuse you undermines the exculpatory force of your excuse. True, there is no incoherence in being more inclined to do something because you think your excuse makes you less likely to be blamed for doing it. That way of thinking may not be very admirable (depending on why you wish to evade blame) but it is perfectly coherent. By contrast, reasoning that you should do something wrong because you anticipate being *entitled* to an excuse if you do (i.e. having the *right* to exculpation) is incoherent. It involves a failure to grasp what an excuse is: they cannot guide your conduct in this way.²¹

For the rationalist such incoherence must indicate that in offering fear as an excuse you are in fact claiming an exemption rather than putting forward a justification. Were the prospect of exculpation to motivate compliance in the way described, that would show that you were perfectly capable of standing up to the threat and so did not merit the exemption (Duff 2002: 64). Yet, as an interpretation of our case, this is contentious. Someone is *incapable* of facing down a threat when either they couldn't have formed an accurate estimate of it or else they couldn't have resisted it however hard they tried. Before excusing them, must we speculate about whether they could have done these things?²² The answer may be impossible to discover (if there is a fact of the matter here at all). And why must an emotion

²¹ (Owens 2023: 301-2). (Gardner 2007: 138-9) and (Simester 2021: Chapter 17, Sec. 4) both make a parallel observation about criminal liability, one which (Duff 2002: 67-8) rejects. It is not clear to me whether these authors are discussing the precise point I have in mind.

²² For doubts about the relevance of incapacity to excuse, see (Owens 2023: 303), (Watson 2004: 41-57) and (Gardner 2007: 124-8). Frankfurt (1988: 38-41) regards desire and emotion as mediating coercion's motivational impact but he assumes that they excuse compliance only where they render the agent incapable of resisting.

be incapacitating to mitigate? In offering fear as an excuse, an agent implies that their assessment of the reasons for and against compliance with the threat was not the sole mechanism by which the threat influenced their behaviour and they ask for fear's impact on their judgement and/or on the psychological difficulty of defiance to be taken into account. That threat might give them a full excuse without creating a literal incapacity.²³

Might the psychological difficulty of facing down a threat exculpate an agent by justifying their compliance? The rationalist may suggest that we treat the effort of overcoming fear as a cost to the clerk, the prospect of which makes it more reasonable for them to give in to the threat. As we'll see, there is a grain of truth in this idea but I doubt that, whenever psychological difficulty exculpates, this is only in so far as it can be used a justification. We've just described a range of cases in which fear (etc.) exculpates only in so far as it is *not* treated as a justification. Moreover, only some fears exculpate in any fashion and we must specify which do and which don't. As will become apparent, the strength of a fear in a particular individual and its exculpatory force are two rather different things.

The rationalist might respond that only reasonable fears exculpate. On one reading of 'reasonable', this amounts to the claim that fear of a threat exculpates only if it reflects factors serious enough to (partially or fully) justify compliance, yet we are considering cases in which fear gives the clerk an excuse that goes beyond any justification it provides. On another reading, fear may be 'reasonable' even if it is not reasonable to let that fear express itself in action. For example, Gardner maintains that an action motivated by such reasonable fear is to be excused whether or not the fear justifies the action.²⁴ Adopting Gardner's view would represent at least a partial retreat by the rationalist. Furthermore, is it really some standard of reasonability that determines whether fear etc. exculpate? A fear of flying so strong that it counts as unreasonable (regardless of whether you act on it) may nevertheless excuse not taking an important trip and an intemperate anger can excuse your shouting

²³ Though there are also partial excuses, the idea of a partial incapacity is obscure: either you can stand up to the threat or you can't. At one point, Wallace mentions partial incapacities but he does not explain any further (Wallace 1996: 171). The *difficulty* of defying a threat is indeed a matter of degree but now we are in the realm of excuse, not exemption and one needs to determine what level of difficulty excuses. As we'll see, convention sets that threshold.

²⁴ (Gardner 2007: 86, 110-11, 134) and (Gardner 2009: 4).

when you are also tired or stressed.²⁵ In the final section, I'll suggest that the standard of accountability is social and such a standard may determine 'what it is reasonable to expect from someone' in a dangerous or enraging situation without declaring the fear or the anger on which they act to be reasonable.

I conclude that, in presupposing rationalism about responsibility, the value of choice model misses a crucial way in which coercion can deprive us of responsibility for compliance because it overlooks the difference between excuse and (partial) justification. I'll now argue that this blind spot means that it can't explain the wrongfulness of coercion either.

2. The Wrong of Coercion

Returning once more to our bank clerk forced to hand over the bank's money to the robber, it should be uncontroversial both (i) that such a threat wrongs the clerk and (ii) that the threat exculpates, meaning the clerk is not to blame for their compliance. In the last section we examined how the value of choice model might go about trying to explain (ii) by treating the threat as a justification for compliance. Here I want to return to (i) and ask why the clerk should be wronged by such a threat.

Ex hypothesi the clerk suffers no blame or other penalty for giving in to the threat; the bank can complain of the loss and society can bemoan public disorder but that's another matter. Because they promptly handed over the money the clerk suffered no bodily harm. Was there a risk that they wouldn't give in quickly enough or that the robber would shoot them anyway or that the gun would discharge accidentally? Perhaps but the clerk's objection to coercion does not turn upon it: a completely reliable threat-machine would be little more acceptable (Nozick 1974: 70). Still, it will be said, the clerk is wronged because the robber deprives them of an option to which they are entitled, namely the option of refusing to hand over the money without being shot. But why exactly are they wronged by being deprived of that option when they can, without any cost to themselves, avoid being shot?²⁶

²⁵ (Simester 2021: Chapter 19, Sec. 1.1) and (Sliwa 2019: 62-3).

²⁶ (Kolodny 2023: 65-7) presses similar questions. Might the trauma of being threatened with death all by itself render the threat wrongful? For most rationalists, the wrong of coercion does not depend on such emotional reactions and, in any case, frightening someone is a wrong of a different sort from coercing them.

It is obvious that actually shooting the clerk would wrong them. Is that why threatening to shoot them is also wrong? Do you wrong someone by making a threat simply in virtue of the fact that you would wrong them by carrying it out (Scanlon 2008: 82-3)? One might wonder why this should be so except in so far as the threat raises the chance of your shooting. There are also familiar counterexamples. First there are threats one is entitled to make whether one is entitled to carry them out or not. Secondly, a threat may be wrongful even though you would not wrong the recipient by carrying it out. Threats intended solely to deter are threats one may be entitled to make without being entitled to follow through. Some think we are permitted to threaten the other Super-Power with Armageddon to prevent it from striking first even though we would not be permitted to bring Armageddon about if it did. Whether or not nuclear deterrence is in the end acceptable, this possibility suggests that the permissibility of a threat does not depend solely on the permissibility of carrying it out: the making of a threat has its own significance beyond the character and probability of the thing threatened. The point is further illustrated by cases in which you are not entitled to threaten to do something which you are perfectly entitled to do. An incompetent employee is told that they will be fired unless they wash the employer's car or a blackmailer warns a celebrity that their embarrassing proclivities will be publicised unless they pay. Here the employer may be perfectly entitled to fire the employee and the blackmailer may be perfectly entitled to publicise the celebrity's proclivities, yet they would each be wronging their victim should they use these entitlements as leverage.

In an effort to explain the wrongfulness of such proposals, Scanlon suggests that employers are only entitled to terminate their employees in order to ensure the efficient operation of their business and that people may not be fired for other reasons.²⁷ Such a motive-based restriction on the exercise of certain rights is plausible where we are dealing with the occupants of institutional roles or the participants in a special relationship, yet most blackmailers occupy no such role and many are strangers to their victims. Furthermore, the simple fact that a celebrity would quite reasonably dread the disclosure does not make it a

²⁷ See (Scanlon 2008: 82-6), and (Kolodny 2023: 76-7 and 178-81). (Pallikathayil 2011: 18-9) instead allows that such threats may not be wrongful.

private matter and curtail other's right to know or to speak of it. We are not generally required to avoid causing embarrassment.

The objection to blackmail rests specifically on the element of menace. The menace both wrongs the victim and at least partially shields the victim against blame for handing over money that may be needed for another purpose.²⁸ This diagnosis suggests a more general moral. In critiquing Rationalism about Responsibility in the last section, I hypothesized that threats could motivate us other than by informing us of how bad things will be should we defy the threat. Coercive threats arouse our emotions, our fears of harm to self, to loved ones and to cherished things, our reputation included.²⁹ If distorting our judgement or weakening our will by playing on our fears can be a way of wronging us where it compromises accountability for our agency and quite apart from the options it deprives us of, that would help to explain the peculiar wrongfulness of such proposals. It is worth noting that you may wrong someone in depriving them of responsibility for their actions – by, say, getting them drunk – even if there is no particular action you are trying to induce.³⁰ Still this would be to wrong them differently than you would by coercing them i.e. when looking to force them to do a particular thing. Our focus is on cases of coercion where you go beyond pure responsibility-deprivation, seeking your victim's obedience and assuming responsibility for the act you coerce and not just for creating a risk that something bad might happen.

What of a case where the threat fails to secure compliance? Such a victim needs no excuse and so why are they wronged? On the value of choice model, the victim is still being deprived of an option to which, we suppose, they are entitled and so they are wronged even though they remain fully responsible for their refusal to comply, perhaps garnering admiration for their defiance. That answer faces the difficulties already raised but what can the excusatory model offer in its place? In the next section, I shall urge that our standards of accountability are social standards, designed to fit the general run of people rather than the peculiar emotional psychology of individuals. Those standards determine what amounts to

²⁸ It may also invalidate any promise they have made to deliver the money at a future date (Owens 2012: 232-45).

²⁹ This could be because coercive threats target things that we need (Raz 1986: 152-3).

³⁰ Thanks to Crescente Molina for reminding me of this.

unacceptable pressure i.e. pressure which constitutes a serious attempt to assume accountability for someone's behaviour. Such an attempt wrongs the victim even where it fails, though it may wrong them less than would success. Indeed, the victim is also wronged even when they feel no fear at all and comply simply because they judge that they ought to, provided the pressure they face is unacceptable by those same standards.

We've called into question the ability of the value of choice model to explain either the wrongfulness of coercion or the mechanism by which it compromises our responsibility. What, beyond a residual adherence to Rationalism about Responsibility, continues to recommend it? I suspect the value of choice model also benefits from the tacit assimilation of the wrong of coercion – and the exculpating force of necessity – on the one hand to the wrong of deception – and the exculpating force of (reasonable) error – on the other. The value of choice model provides a persuasive account of the normative significance of the latter and its adherents may have fallen into the trap of over-generalisation. In fact, coercion work very differently from deception, as we can see by applying the value of choice model to deception.³¹

Suppose our clerk is tricked into handing over the bank's money. Provided the clerk's error is reasonable, this gets them off the hook no less than when they are forced to hand it over. The value of choice model can offer to explain the exculpating force of such deception along the lines suggested by its account of coercion. Our clerk is wronged in being deprived by a fraudster of information to which they are entitled and their consequent error justifies their handing over the money, shielding them from blame.³² Furthermore, no special emotional mechanism is engaged here over and above the subject's reasonable if mistaken judgements about what they ought to do and so it is hard to see how to extend my excusatory model of coercion to the case of deception.

³¹ Korsgaard tells us that both coercion and deception involve treating the victim as a means to another's end in a way the victim couldn't possibly agree to (Korsgaard 1996: 137-143). Here she conflates two very different phenomena. When deception shields you from blame, it does so by justifying your action (i.e. by contributing a reasonable, albeit false, belief to your deliberations) whilst coercion shields you from blame by excusing it (i.e. by distorting or circumventing your deliberations). They are unlikely to be wronging you in the same fashion.

³² For an account along the same lines of how deception invalidates a promise, see (Scanlon 2008: 108-15) and (Pallikathayil 2019).

A full assessment of this line of thought would require a detailed consideration of the normative significance of deception. In lieu of this I want to raise some doubts about whether the exculpatory mechanism at work here is the same as in an instance of coercion. On the value of choice model, the problem in both cases is that the choice on offer is of little value to the agent. I find this more convincing when applied to deception (and mistake). Why should duress (or necessity) or be thought to reduce the value of choice in the same way as deception (or mistake)?

It helps to distinguish two issues: (a) is it good for me that I must do either X or Y? (b) given that I must do either X or Y, do I benefit from having the choice? There are many situations in which agents benefit from making a choice themselves – rather than have another party or the forces of nature make it for them – even though they would much rather be faced with a different set of options. End of life decisions are an obvious instance. Given this, why should either duress (or necessity) as such render your choice less valuable to you just because they deprive you of desirable options? The bank clerk might want to be able to decide for themselves whether to play the hero and the blackmailer's victim might very much wish to have the chance to buy the blackmailer's silence. Even if these characters are wronged in being deprived of options to which they are entitled, the ability to choose amongst the options that do confront them might, for all that has been said, remain as valuable as ever. The matter is quite otherwise if the robber convincingly impersonates another customer: why should the teller value being able to decide whether to hand over the money in ignorance of crucial facts?

Being subject to coercion and being taken in by lies each give us an effective shield against blame but, from the first personal point of view, they differ greatly. We expect the bank clerk who caves in to pressure and risk harming one of their colleagues to feel remorseful. Furthermore, they should be ashamed of this failure of self-control, whether excusable or not. The victim of deception is in a different position. People are sometimes ashamed of having been taken in, even when they had every reason to believe the lie, but we think no worse of people who feel only anger at deception they had no grounds to suspect. There is

no flaw of character or weakness of will they need to hide from the world; they need no excuse.³³

To sum up, on each of our two models of coercion a threat both wrongs its victim and shields the victim against blame for compliance. According to the value of choice model, we are either partly or wholly relieved of blame for a coerced act where some right of ours is violated in a way that partially or wholly justifies compliance; coercion wrongs the coerced by curbing their freedom. On the excusatory model, coercion ensures that we are not to blame for compliance by instead curbing our liberty, by depriving us of accountability, a deprivation which wrongs us because we have an interest in being deemed accountable for our own agency. Thus, my theory of the normative significance of coercion presupposes a standard of accountability, one distinct from that regulating other forms of exculpation. Where does this standard come from? That's the topic of the final section.

3. Excuses, Conventions and Executive Virtues

A rationalist maintains that fear exculpates only in so far as it either justifies the wrongdoing or else renders us incapable of behaving otherwise. I've argued that various threats which do not justify compliance nevertheless excuse it and rejected the idea that the only way for fear to excuse is by rendering the victim literally incapable of non-compliance. Yet wrongdoing is not excused simply because it is motivated by an emotion like fear: it all depends on the gravity of the threat and on precisely what it gets you to do (amongst other things). In this section, we look to socially recognised standards of accountability to draw the relevant line, to determine which forms of pressure excuse imperilling a colleague etc. These standards thereby determine when pressure compromises your liberty.

One's emotional psychology is a key ingredient in one's personality. For example, there are huge variations between individuals in respect of what scares them, how much they are scared by it, whether they express their fears in action and how. This fact presents us with a

³³ (Gardner 2007: 86, 110-13) maintains that a reasonable though false belief excuses without justifying the clerk's handing over the money as a reasonable fear might excuse without justifying some self-protective action. The two cases seem very different to me.

challenge. We need shared ideals of character, common notions of executive virtue and uniform standards of accountability. These ideals, notions and standards may be complex and sensitive to various features of context and circumstance but if they are to be of use to non-experts, their application must turn on ascertainable facts such as the social role a given agent occupies rather than on the unpredictable and perhaps unknowable peculiarities of that agent's emotional psychology. Of course, no standard of accountability is normatively significant simply because it is socially recognised. On the other hand, one shouldn't expect these standards to be tailored to one's own personal idiosyncrasies.

Modern society recognises responsibility experts. Psychiatrists run tests on specific individuals, assign them to diagnostic categories and offer them treatment or at least exculpation. The form of exculpation they standardly provide is what I earlier called an exemption. For example, soldiers diagnosed with shell shock in WW1 were deemed incapable of obeying certain orders; they were no longer shot for cowardice in the face of the enemy but rather sent home for treatment until they could be returned to the front. One may wonder whether the diagnosis of shell shock involved the expert discernment of individual capacities or the efficient operation of a system designed to maximise the number of combat effective soldiers. I shall not inquire; I observe only that the excusatory framework we've been examining, one inherited (along with notions of executive virtue) from the pre-modern world, works rather differently. Defences like duress and provocation require no psychiatric diagnosis, nor do they turn on often elusive facts about the idiosyncratic psychological capacities of the agent.³⁴ Rather their application is governed by factors such as the agent's social role.

We've already noted how one's social role affects the sort of justifications one can offer: it might be permissible for an employer to fire an employee because they are no longer needed though not because they refuse to help rewire the employer's house. Social role also affects the range of excuses available to you.³⁵ Soldiers must stand firm in the face of

³⁴ See Williams on the 'superficiality of the voluntary' (Williams 1993: 66-68).

³⁵ (Hobbes 1994: 142-3). (Gardner 2007: 128-31, 136-7 and 167-72) highlights the connection between standards of accountability and social role. (Watson 2004: 48-52) emphasises social norms of self-control together with the shame and contempt which greets their violation. See also (Owens 2023: 306).

lethal force in a way that is not expected of civilians, even when the gravity of the threat and the dangers involved in resisting it are much the same. A customer of the bank who wrestles an armed robber to the ground is a hero. By contrast a soldier who engages in lethal combat is just doing their job and failure to obey the order to attack would hardly be excused by a fear of death, however reasonable.

A social role involves both distinctive standards of conduct and distinctive standards of accountability. One might suppose that the difference between the bank customer and the soldier lies only in the applicable standards of conduct: customers are not obliged to intervene while soldiers are obliged to obey orders to attack. This observation will not cover all the cases. Civilians who find themselves on the front line might be under at least a moral obligation to serve as stretcher bearers; still they would be excused for running away in circumstances in which a professional soldier assigned the same task would not. Moreover, threatening enemy soldiers is not objectionable in the same way as threatening enemy civilians. This is because soldiers are not excused by threats and so you are not depriving them of accountability for compliance.

Why is it that soldiers and civilians are subject to different norms of accountability as well as to different norms of conduct? One possible answer is statistical, based on the average level of courage of the members of each group, a level we may assume is higher amongst soldiers than in the general population. Soldiers have volunteered or been recruited and so have been judged, by themselves and/or others, suitable for the role. Furthermore, soldiers receive training which civilians do not, training intended, amongst other things, to ensure that they don't panic under fire. Thus, it is easier for the average soldier to discharge the duties of a stretcher bearer and this may explain why they are not excused in circumstances in which a civilian would be. To generalise the proposal, you are excused to a degree determined by the level of difficulty/ability that is average for the group, rather than by the level you personally face.

This suggestion overlooks the fact that we are dealing with a *norm* of accountability. A soldier who aspires to attain only the average level of skill, courage, firmness of mind in their platoon, division or army is missing the point. The norms of accountability have their

roots elsewhere, in some notion of what skills and abilities are required to do the job well, of what a good soldier is like. The training each individual soldier receives is meant to get them to that level and to engage properly with the training is to aspire to become a good, not merely an average soldier. When the training is properly designed, the average soldier is quite likely to attain the skills and abilities of a good soldier but there can be no guarantee that even well-designed course of training will succeed. For example, low morale might undermine average performance in the army without lowering the standards by which performance should be assessed. If the military role is a sensible one whose demands are both realistic and well-motivated, failure will be a flaw in those who undergo the training rather than in the role itself together with its norms of conduct and accountability. We expect those who still lack the necessary skills or strength of character to try harder.

Such standards of conduct and standards of accountability genuinely bind the members of the military provided (a) they are recognised within the relevant community and (b) they together specify a worthwhile social role. Modern societies need an army and to create one they must institute a package of social rules defining the role of a soldier. The elements of this package should fit together. For example, the obligation to obey military orders would lose much of its value were soldiers excused for disobedience even by severe duress, though the availability of such an excuse would not deprive civilian obligations of their rationale. More could be said but, having broached a large subject, let's turn to the other side of the coin, to our ideals of executive virtue.³⁶

Virtues such as courage, temperance and equability regulate the influence that passions like fear, lust, and anger have on our agency. Those imbued with these virtues manifest firmness of mind, a firmness with two aspects: cognitive and conative. For example, a courageous person will not overestimate the danger; they will form a sober view as to whether this is a threat that must be faced and then act on it. Fear neither distorts the courageous person's practical judgement (their judgement about what they ought to do) nor does it prevent them from carrying it out.

³⁶ I say a little more in (Owens 2023: 304-6). There I speak of 'standards of culpability' rather than 'standards of accountability'. My terminology there was unfortunate given the need to distinguish accountability from blameworthiness.

Some writers maintain that real self-control requires the elimination of the relevant emotion. On this view the truly courageous person is actually fearless in the face of danger, they feel no temptation to flee and anything else is mere continence (Gardner 2007: 126-8). Other writers take the opposite view that courage is required only where you are actually afraid: having no fear to overcome, the fearless show no courage. Neither position is endorsed by common sense. Firmness in the face of danger is consistent with both the presence and the absence of fear that would, in a coward, undermine their self-control.

Just as heroism is marked out from ordinary firmness of mind with medals, citations and so forth, so we also distinguish abject cowardice from a routine lack of fortitude. The coward is condemned, less so everyday weakness. As already noted, those who exhibit such commonplace weakness should feel ashamed of their lapse of self-control and guilt at any wrong they have committed but our indignation is muted.³⁷ These are the cases of excused wrongdoing already discussed. Now if the standards of accountability which differentiate excusable from inexcusable wrongdoing are indeed social, we should expect the same to be true of our notions of executive virtue. Indeed it is but there remains an important difference between our standards of accountability and our ideals of executive virtue.

In the first section we saw that in so far as your action is guided by a standard of accountability you cannot benefit from the excuse it provides. Does the same apply to the associated virtue? Can those who manifest executive virtues like courage be guided by the relevant ideal of character? Does someone who faces down danger because they are aiming to be a hero, or at least don't wish to be a coward, act courageously? I think they may and so we must recognise an asymmetry between standards of accountability on the one hand which settle when people are excused for losing control and ideals of character on the other which exhort people to stay in control.

³⁷ The aptness of self-directed shame is an essential part of the story here; one who simply felt guilt at what they had done would be missing something (Rawls 1999: 391).

On this point, executive virtues differ from other virtues with a distinctive emotional tinge like kindness or gratitude. A person who helps simply because they think that this is something a kind person would do is deficient in kindness for their attention is misdirected; they are moved by a desire to be a certain sort of person rather than by an awareness of the needs of the other. Doing something out of kindness requires doing it out of felt concern for another rather than from a desire to behave in a kindly fashion. Courage and the other executive virtues are, in this respect, unlike kindness for fear, anger and temptation can indeed be overcome by bringing to mind certain ideals of character, by telling yourself not to be a coward, a hothead or a glutton.³⁸

The authors of war memoirs frequently confess to having acquitted themselves well in the face of the enemy only because they didn't want to be cowards. Some modestly conclude that they were not brave at all for it was fear of shame alone that overcame their fear of battle (Miller 2000: 254-63). They should first distinguish different ways in which the prospect of shame might have been moving them. In one case, it is fear of the actual contempt of your comrades that matters, regardless of whether you regard that contempt as justified. If that is why you are facing down the enemy, modesty is indeed called for; this is moral cowardice overcoming physical cowardice. Things are different where you fear disgracing yourself in the eyes of your comrades but only because you would regard such contempt as justified (the prospect of unjustified contempt might simply enrage you). Here we do have a form of bravery since an ideal of courage is motivating your behaviour. Courageous behaviour may also be inspired by a shame that involves no anticipation of actual social embarrassment. You might feel ashamed of your prospective cowardice whilst remaining quite confident that no one will discover it. To be ashamed in this way may be to *imagine* someone seeing you in an unwelcome light (Williams 1993: 82) but that throws no doubt on the idea that you act courageously.

One might well feel ashamed of some unkind act but the basic reaction required of you here is guilt at the wrong you did to the object of your unkindness. To allow egocentric shame about unkindness to supplant (rather than supplement) an allocentric guilt would be

³⁸ *Pace* (Williams 1985: 10). See (Owens 2017: 13-5).

another misdirection of your emotional attention. With courage and cowardice, self-directed shame plays a more basic role.³⁹ Suppose running away would have no discernible effect on the battle and could leave no comrade in the lurch. Though guilt now lacks any definite focus, shame has a completely determinate object – oneself – and imagining one's own disgrace often inspires bravery.⁴⁰

4. Conclusion

Coercion wrongs the coerced in so far as it undermines their liberty. The value of choice model interprets our interest in liberty as an interest in freedom. I have construed it instead as an interest in a certain social status, that of being deemed accountable for what you do. Coercion wrongs us by degrading our responsibility for our own agency. My excusatory model of coercion requires us to abandon Rationalism about Responsibility, recognising a form of exculpation that involves neither justification nor exemption. This all presupposes the existence of conventional standards of accountability, standards which have their counterpart in socially recognised executive virtues such as courage. Convention often determines both the rules we are bound to follow and whether we are accountable for failing to follow them.

All of the above notwithstanding, coercion is often perfectly justified. People are permitted to use force and the threat of it to defend themselves and their property within the limits sets by a legitimate state. Such a state is also entitled to curb our liberty by giving us binding laws and commands, both requiring our obedience and ensuring that compliance is imputable to them. Since the authorities expect our obedience, it is no surprise that they also claim the right to enforce their edicts. A legitimate authority – i.e. one entitled to compromise responsibility-as-imputability with brute force – is also entitled to compromise responsibility-as-accountability by threatening those reluctant to comply (Owens 2026:

³⁹ Thus, suicide was and is a perfectly intelligible response to cowardice (Miller 2000: 273-6).

⁴⁰ On the role of shame as a prophylactic against or else a reaction to cowardice, see (Miller 2000: 178-184) and (Williams 1993: Chapter 4) and, more generally, (Watson 2004: 51-2).

331). By understanding coercive threats as a source of excuses we see why, where the power of command exists, the right to coerce should come along with it.⁴¹

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⁴¹ Thanks to an anonymous OUP referee, to Crescente Molina, Daniele Bruno, Simon-Pierre Chevarie-Cossette, Zeb Dempsey, Tom Sinclair, Sandy Steel, Michael Garnett, Thomas Heywood, Tom Adams, Todd Karhu, David Enoch, Trenton Sewell, Nico Cornell, Cecile Fabre and to audiences at the University of Neuchatel and Oxford University.

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