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Coercion

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Abstract

Coercion involves two or more parties who are in conflict and whose relationships are complex and uneasy. Generally speaking, people resent coercion and, when possible, rebel against it. This paper differentiates between circumstantial coercion and person-based coercion, between coercion and brute forms of oppression, and between benevolent and malevolent coercion. Government interference to combat murder for family honour serves as a clear example of benevolent coercion. The paper further discusses the coercer's intentions and specifically addresses the issues of paternalistic coercion, coercion via third-party, and self-coercion. Two further distinctions are offered: between internalised and designated coercion, and between coercion enforced by a minority versus coercion imposed by a majority.

Keywords

Autonomy, Coercion, Freedom, Oppression, Paternalism

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1. Preliminaries

Is coercion necessarily a bad thing? I debated this issue as I was writing my book *Just, Reasonable Multiculturalism* (Cohen-Almagor, 2021a) that outlines just and reasonable causes for state intervention in the affairs of illiberal cultures within democracies. To what extent the state is justified to intervene and curtail discriminatory cultural and religious practices against vulnerable populations? What should we do when group rights clash with individual rights? In the name of culture, some groups coerce their members, usually women, to accept discriminatory and painful rituals. Should the state resort to coercion to curtail group coercion? Should the state be paternalistic and in the name of protecting vulnerable third parties restrict cultural practices?

As I was debating these questions, I recalled that some years ago, the Israeli daily newspaper *Yedioth Ahronoth* reported on one Bedouin girl who ran away from home to escape both female circumcision and coerced planned marriage. The girl was quoted as saying: "I lost confidence in all people around me. My loving mother became my number 1 enemy. I did not trust my friends, or my sisters. There were moments when I thought about committing suicide" (Abramowitz, 1992). The girl maintained that she heard horrible stories about circumcision from girls who experienced it, and that she believed the worst of those stories. When she approached her father as a last hope, and the latter had referred her back to her mother, she ran away to her sister who lived in the north of Israel. She was fifteen-and-a-half years old at the time. This act of running away from her tribe constitutes a sufficient reason for murder for family honour. Bedouin girls who wish to escape their lot have a mountain to climb as they aim to free themselves from tribal compulsion.

Coerced people are not free to exercise their autonomy. Their voluntariness is being compromised. Coercion undermines self-rule and voluntariness because the doer is unable to freely reflect on choices and preferences. She is left with no option but the one (or few) the coercer chooses for her (Wertheimer, 1987: p. 291; Stavropoulos, 2009). Voluntary thinking and action are essential for developing one's autonomy. A person is autonomous if she is not coerced, and to the extent that a person is coerced, the person is not autonomous (Gaylin & Jennings, 1996: p. 154; Dworkin, 1988).

In this paper I differentiate between circumstantial coercion and person-based coercion, between coercion and brute forms of oppression, and between benevolent and malevolent coercion. I then discuss the coercer's intentions and specifically address the issues of paternalistic coercion, coercion via third-party, and self-coercion, proceeding by making two useful distinctions: between internalized and designated coercion, and between coercion enforced by a minority versus coercion imposed by a majority.

2. Meaning of Coercion

The word "coercion" comes from the Latin *coercere*, meaning "to surrender," and even more suggestively from two older Latin words, *arca* ("box" or "coffin") and *arcere* ("to shut in"). "Coercere" means to repress, to contain, to restrain. Either the restraint is exercised in the interest of security, or the restraint is exercised directly by outside agent/s and/or group/s (Pennock & Chapman, 1972). To coerce is to narrow the space of free movement and action, lessening one's self-sovereignty and self-mastery. A common form of coercion occurs when a person (P) is threatening another person (Q) to bring about negative consequences if Q does not do a certain conduct (A). Coercion might limit space ("You are not allowed to leave this room"; "You are prohibited from entering this territory"); restricting choices or opportunities (A offers B options X, Y and Z and/or explicitly prohibits options M, N and O); enforcing certain conduct or prohibiting another ("You must/must not do T"); suppressing desires or wishes ("I will not allow you to be what you want to be"). Coercion may involve threats, intimidation, sanctions, manipulation, demoralization, blackmail and restriction ("You don't receive any property if you leave, or if you marry outside the tribe"). It may or may not involve physical violence. Belittling people's abilities ("You are not capable to do M" or "You are not worthy to hold position F"), subjecting people to emotional manipulation ("I will harm myself if you don't return to me"), emotional blackmail ("Show me your love by doing G") or psychological pressure are all forms of coercion designed to push people to do things they otherwise most probably would not do.

Coercion involves two or more parties who are in conflict and whose relationships are complex and uneasy. The parties use communication to convey their interests, wishes, incentives, offers and threats. Parties may engage in the process of coercion themselves or via a third party. The sense of justice, of seeing the other as an end in itself, of mutual respect, of avoiding harm – all these might be (but not necessarily be) absent. The coercer may impose its will on the coerced without diminishing its initial demands. The motives for coercion are important, whether it is used to promote human right, social welfare or any other public good, or it is done to deny human rights and/or public good. While the former may still be considered moral, the latter is not because then people are infringed of their right to pursue their conception of the good autonomously (Cohen-Almagor, 2006). When people are no longer autonomous to decide on their way of life but are forced to adhere to certain codes and norms which they do not consider to be part of their conception of the good life, we need to examine whether the causes for coercion are just and reasonable. Multicultural claims might be based on coercion, and liberal interventions in the cultural practices of illiberal subcultures might also be coercive.

Persons have their conceptions of a moral life, and accordingly determine what they deem to be the most valuable or best form of life worth leading. It is emphasized that one's conception of the good does not have to be just or reasonable. When coercion is involved, and people are no longer autonomous to decide on their way of life, they are unable to act from principles that they would consent to (Rawls, 1971: p. 516).

People resent coercion and, when possible, rebel against it. The mere characterization of something as coercive yields negative reaction. But if the same thing would be characterized differently, in softer terms explaining its logic and necessity, the reaction to coercion might be different. Education is a case in point, discussed *infra*. Many countries invoke compulsory education laws, making education until a certain age obligatory. Paying taxes is another example for a justified state coercion needed to keep the functioning of the different organs of the state. The State justly requires its citizens to accept certain obligations for the benefit of all. It is legitimate to ask people to take part in necessary social institutions, such as censuses, juries and security forces.

3. Circumstantial Coercion and Person-Based Coercion

We may distinguish between *circumstances-based coercion* and *person-based coercion*. The relevant question regarding circumstances-based coercion is: What caused this situation? The relevant question regarding person-based coercion is: Who caused this situation? Both affect one's liberty and restrict one's choice. Both might put people in an uncomfortable position.

The distinction between circumstances-based coercion and person-based coercion is central to debates on the scope of distributive justice, state obligation to mitigate poverty as well as to the debates over the legitimacy of border and immigration control. Cosmopolitans and nationalists differ in their views regarding the necessary coercive arrangements that are needed and for what purposes, whether to attend to secure some basic needs or also to regulate economic inequality among those who are subject to the coercion (Blake, 2001; Nagel, 2005; Hassoun, 2012; Valentini, 2012; Gilabert, 2012).

Consider a university that enacts a bylaw, enforcing all staff to live within a parameter of 50 km around the university. Consequently, people are forced to move homes, relocating their families away from their familiar surroundings and from their nearby extended family and friends. Many may resent the move and the need to accommodate themselves to the changing circumstances. While the bylaw is enacted, of course, by people, the coercion is circumstantial.

As for person-based coercion: Consider Shirin who wants something from Jess. She demands Jess to give it to her or she would reveal a secret that Jess wishes to remain confidential. Shirin coerces Jess to accept the terms or else she will speak and cause Jess agony, even more agony than is caused by putting Jess in a compromising position where she is subjected to potentially prolonged and sustained blackmail. People concede to coercion when they think that, on balance, they lose less by succumbing to the coercer. Coercion does not work when people can free themselves from it without a substantial penalty. In the context of group rights and multiculturalism, coercion is invoked through social pressure, with significant group penalties if and when individuals do not do what is expected of them. Coercion is a matter of significance in human life. It gives one agent the ability to directly alter or impede the conduct of another. Coerced people could not be held culpable for conduct they are forced to perform.

When we speak of coercion it is essential that one party successfully affects another party's choice of actions by either a constraining action (leaving one's community) or by communicating to the other a credible threat by which is meant an announced conditional intention to degrade the latter's prospects for acting, posing demands

regarding the threatened person's (or persons') future actions and/or inaction. The perceived threat—be it physical, psychological or emotional, is often more important than the actual threat. When a person does something because of threats, the will of another is predominant, whereas when she does something because of offers this is not so (Morgenbesser et al., 1969: p. 459; Gorr, 1986: p. 395).¹

There is a presumption against coercion. Other things being equal, a non-coercive rule, policy or action is preferable and morally superior to a coercive one (Pennock and Chapman, 1972). Other things being equal, we prefer offers and compromises to threats (Cohen-Almagor, 2021b). Authoritarian societies aggressively fight to undermine political opponents while liberal societies encourage plurality of views and encourage avenues to empower opposition. Theocracy attempts to provide strict answers to all questions and concerns, often resorting to exclamation marks, whereas liberal societies have no qualms to present questions with no definite answers, to challenge common truisms, to present competing ideas, to admit human infallibility and to even celebrate heresy.

While liberals resent coercion, they accept the necessity of regulation. When one speaks, the other keeps quiet. Then the other responds while the first speaks. Deliberation is dependent on arguing, listening and responding. For instance, one day the peace movement may hold a parade in the major square of the city, and the following day the anti-peace movement may hold its own parade at the same square. No movement is coerced to accept the other's way of life. No movement is silenced or censored.

In *The Law of Peoples*, John Rawls (2002) drew a distinction between liberal and illiberal societies. Liberal societies are pluralistic and peaceful; they are governed by reasonable people who protect basic human rights. These rights include providing a certain minimum to means of subsistence, security, liberty, personal property as well as to formal equality and self-respect as expressed by the rules of natural justice.² Liberal peoples are reasonable and rational. Their conduct, laws and policies are guided by political justice (Rawls, 2002: p. 25). Equal citizens as a collective body exercise political and reasonable coercive powers in legislating laws and in constructing their constitution (Rawls, 1993: p. 214).³ In contrast, nonliberal societies fail to treat their people as truly free and equal. The values of liberty, equality and fairness are not deeply enshrined. The basic norms of respect for others and not harming others are undermined. Authoritarian societies aggressively fight to undermine political opponents. In authoritarian societies, the distribution of rights is not done in a just and fair way.

There might be certain forms of coercion in the framework of liberal democracy, which I will discuss in a minute. In nonliberal societies, coercion might be the general rule. Military occupation, civil oppression, slavery and apartheid employ *brute forms of oppression*. They are, by definition, unjust, lack respect for fundamental human rights and dehumanize the oppressed. They also dehumanize the oppressor, transforming him into a cruel and heartless being who lacks the basic components of dignity, compassion and civility. Brute oppression desensitizes the oppressing public, making the public accept it as part of life, convincing them that this abnormality is necessary and can, even should, be maintained. Abnormal situations force people to do unjust and unreasonable things. Under coercive structure, bad things are inevitable.

However, denouncing all forms of coercion and disparaging coercion *per se* is too simplistic as it is not necessarily malevolent. A pertinent distinction is between malevolent and benevolent coercion.

4. Malevolent and Benevolent Coercion

The example that opened this article concerning the Bedouin girl who ran away from her home as she did not wish to be subjected to female circumcision and coerced

marriage is a clear example of malevolent coercion. While some girls are willing to concede to both practices because they are conformist in nature, because they see the value of these practices, because it is important for them to follow their tradition, because they like to please their family and tribe, because they do not have strong feelings against those practices or for any other reason, some girls like the one in the opening example care more about the integrity of their bodies and wish to choose their partner for life. For these girls, these considerations are trump cards that outweigh all other considerations. Coercing such girls to undergo female circumcision and arranged marriage is against what these girls consider their autonomy and best interests. The Bedouin girl can reasonably fear that the forced marriage will result in subordination, discrimination, coercion, and abuse. She can reasonably assume that she will have great difficulties in developing relationships that are built around values of equality, mutual respect and self-determination. Such forced marriages gravely undermine the adolescent's ability to enjoy long-term basic human goods and relationships as they are hampered by a commitment decided for the girls by their families without their consent ([Forced Marriage, n/d](#)).⁴ Therefore, such coercion is malevolent in nature.

However, I disagree with Wolff who holds that coercion is intrinsically evil, that it is by definition degrading, stripping people from their personhood ([Pennock & Chapman, 1972: p. 146](#)). Here Wolff falls into the familiar fallacy that equates autonomy with unabated freedom and that objects *tout court* to any form of coercion. We need to recognise that there are instances in which we must resort to coercion. While people would like to lead their lives as free and autonomous human beings, and while instinctively coercion is foreign to us, might be offensive to our sensibilities and lead to an increased sense of alienation and resentment, still this is *not* to say that coercion is never employed in liberal democracies. Liberal democracies prefer to resolve disputes in non-coercive ways but sometimes setting limits via coercive mechanisms is unavoidable in order to maintain a just, well-ordered society ([Rawls, 1979](#)). While we should object to coercion that is aimed to exploit and discriminate against some people, state coercion is justified if it equally protects the freedom of all citizens and is acting in accordance with principles of justice. Principles of justice typically comprise civil, political and socioeconomic guarantees, including rights to bodily integrity, voting, freedom of expression, freedom of religion, freedom of association and movement as well as mechanisms that are aimed to ensure that all citizens possess the basic resources and standing within society to pursue their goals as long as they do not harm others. These guarantees are aimed to enable the development of autonomous lives ([Rawls, 1971](#); [Valentini, 2011: pp. 206-207](#); [Cohen-Almagor, 2017a](#)).

When cultural practices are unreasonable and amount to torture and murder, state coercion is required to clearly flag that such practices have no place in society. Clear substantial safeguards and constraints should be erected. Thus, for instance, we should object to the so-called practice of murder for family "honour" in liberal democracies even if certain groups adopt this as part of their culture. Any form of murder cannot be reconciled with the *raison d'être* of liberal democracy and the values we hold dear. This is simply not to be done.

Murder, by definition, is both wrong and other-regarding. The reason, "for family honour," does not justify it. This practice is employed by some patriarchal cultural communities in order to perpetuate male control and preserve his honour. Control was damaged, or lost, due to woman's conduct; the way to restore order and to reclaim honour is to murder the woman. This is a mechanism of brute justice and deterrence against other women.

In Israel, murder for family honour takes place most notably in the Bedouin and Druze communities, sometimes also in the Christian community, as a control mechanism to "protect the community" against "misbehaving" girls who do not

follow the dictates of their elders. In these communities, honour is frequently more important than life, and culture more important than law. Reports show that women were assassinated because they were accused of not conforming to prevailing moral codes (Idriss & Abbas, 2010; Kressel, 1981). Violation of the sexual norm by a married woman constitutes a tribal sin and automatically calls for her murder. As for single women, accusation is always based on the breach of the norm that a girl or unmarried woman who has "sinned" must be punished by death unless she marries her sexual partner. If, for some reason, marriage does not take place and the woman is subjected to public accusation, one of her relatives will have to kill her whether or not the family wishes to execute this harsh punishment. As the matter is part of the tribal social fabric, family preferences have no significance (Abu-Rabia, 2011: p. 38). Girls in their early teens might be murdered for the mere "sin" of shaking hands with boys from other families (Hasan, 2002: p. 19). In some instances, women were murdered due to their independence, initiative and resolve; daring to enter a sphere that is governed by men and thus embarrassing their families. Women refusal to stop smoking, to stop working outside the home, or to follow family dictates as to whom they should marry may serve as grounds for murder to preserve family honour (Hasan, 2002; Maris & Saharso, 2001). By murdering their daughters or sisters, the men prove the control the natal family has over its women (Cohen-Almagor, 1996: p. 178; Hussein, 2009).

Many men of these communities see such instances of murder for family honour as "internal matters," meaning that society should not interfere. They wish to erect external protections against societal intervention and coercion in their affairs. Recognizing phenomenology, the power of words in establishing reality, those who somehow "understand" or condone the practice do not use the term "murder." They would resort to other terms, such as "killing" or "homicide." In these communities, a connection of silence surrounds the issue. Victims who escaped death are often reluctant to testify against their families (Weiller-Polak & Yarkezi, 2014; Mendel, 2007). On some occasions, the act of murder is disguised as a suicide, and it needs some investigation to clear things out and resolve the case. When acts of murder are committed and even if people do not step forward and complain, the police should still interfere. The police should not perceive these crimes as the decision-makers of these communities want, i.e., as "internal affairs" to be resolved within the specific community. The result of such outlook might be that an offence against family honour (*intihak el-hurma*) would serve as an adequate justification for taking life (Ginat, 2000; Kressel & Wikan, 1988).⁵

The state is justified to employ benevolent coercion to prevent murder. Murder performed for traditional reasons is still a murder. No cultural claims can redeem the severity of the crime. There is nothing dignified or honourable in the practice of murder for family honour. The term "honour" is misplaced. It diminishes the victim and serves criminals by providing them with a legitimate reason which some perceive as an understandable excuse for murder.

In the United Kingdom, "honour"-based violence is a significant problem impacting thousands of victims (Summers, 2017). It is estimated that twelve murders for family honour are taking place in each and every year. Figures from the Crown Prosecution Service show that in 2013-2014 there were 123 successful prosecutions for crimes of honour-based abuse. The offences include coercive control, forced marriage and subsequent repeated rape, Female Genital Mutilation (FGM), assault, threats to kill, attempted murder and murder. In 2017-2018, there were 71 convictions on these grounds (Oppenheim, 2019; Lake, 2018). Moreover, the State's response to murder for family honour was not always swift and the police at times lacked interest to act. One critique of the British law-enforcement argued: "Thousands of crimes of honour-based crimes are going undetected and therefore unpunished. Perpetrators are not being held to account. The fall in prosecutions is

massively concerning given more victims than ever are coming forward. It sends a message to communities that you can almost get away with it" (Oppenheim, 2019). Multicultural respect for diversity and cultural differences unwittingly engendered non-interference and led to neglect in the State's responsibility to protect vulnerable populations (Meetoo & Safia Mirza, 2007).

Cultural considerations should not override the rule of law and people should not take the law into their hands. Notwithstanding whether conducted by indigenous people or by immigrants, murder is murder is murder. The state is justified to employ its apparatus to uproot the practice via coercive means. Whenever coercion is employed, it should be backed with firm, legitimate, and reasonable justifications. The agents' intentions and motives are important. Indeed, they are vital for assessing the coercer's conduct.

5. Coercer's Intentions

Laws contain a certain coercive element in them. This, in itself, does not make them inherently bad or unjust. A relevant question is: Whose interests coercion is designed to promote: those of the coercer, of the coerced, or of society at large? Coercion that is benevolent, aiming to better human condition, might be positive. Coercion that is malevolent, aimed to unjustly undermine the coerced and to advance the coercer's partisan interests is negative. However, there can be instances in which coercion is conducted to serve the best interests of the coercer and yet be considered as legitimate.

For instance, coercion can be resorted to as a mechanism of self-defence. Consider Sofu who declares his wish to kill Franco. As Sofu approaches Franco with a gun in his hand, Franco succeeds in subduing Sofu and threatens to stab him with a knife if Sofu does not drop his gun. This is an act of coercion. Given the circumstances, the act was not intrinsically evil. It is a justified act of self-defence.

Coercion can also be used to protect weaker individuals from stronger parties. This other-regarding coercion is motivated by benevolence. Immanuel Kant (1996) associates coercion and punishment with the executive authority of the state's ruler. Governments enact laws and resort to coercive means to force the lawless to respect the rights of others. Coercion might be hindrance to freedom, but it can also be used to prevent other rights violations. In the latter case, coercion might be justified.⁶ State coercive powers are necessary to secure order and justice. Laws that are designed to keep order and to promote certain moral codes (do not murder; do not steal; do not break into other people's homes, etc.) limit freedom but are not perceived as wrong. Quite the opposite. They are an essential glue to maintain the fabric of society and to enshrine a sense of justice. To take an example from the field of multiculturalism, liberal democracies are resorting to coercive measures and uphold heavy penalties in their fight to uproot certain practices from society, such as Female Genital Mutilation and murder for family honour. Liberal morals put restraints on multicultural freedom when that freedom seems to be at odds with what liberals perceive as fundamental human rights.

6. Paternalistic Coercion

Another other-regarding, benevolent form of coercion is exhibited by parents when they bring up and educate their children. Parents use coercion to educate young children how to live, things they should do and things they should refrain from doing. Parents use coercion to protect children from themselves, from others as well as from their hazardous surroundings. Studies have shown that children ages 7 to 12 have difficulties in identifying and describing risks and benefits. Children lack the experience and thus the capacity to process relevant data. They do not differentiate between cause and effect (Abramovitch, Freedman, & Henry, 1995; Kuther, 2003).

Only in later stages of adolescence minors are able to acquire the ability to plan ahead, understand what steps should be taken to meet their goals and acquire more developed decision-making capacities (Verstraeten, 1980; Iltis, 2013). Brain studies suggest that adolescent's decision-making capacity fluctuates. Notwithstanding raging hormones, risky behaviour and rebellious tendencies, teenagers are unable to consistently make decisions as adults do. This explains why adolescents are three or four times more likely to die than children past infancy (Powell, 2006: p. 865). Adolescents perceive rewards associated with taking risks to be particularly great. This can result in decisions that are detrimental to their health (Wilhelms & Reyna, 2013: p. 271). Before adulthood, there is less cross-talk between the brain systems that regulate rational decision-making and those that regulate emotional arousal. During adolescence, impulse control is lacking and so also capabilities to plan ahead and compare costs and benefits of alternatives. Laurence Steinberg explains that this is one reason that susceptibility to peer pressure declines as adolescents grow into adulthood. With maturity, individuals become better able to put the brakes on an impulse that is aroused by their friends (Steinberg, 2013: p. 261; Cohen-Almagor, 2018). But during adolescent, susceptibility to taking risks and to social pressure can be injurious.

Parents need to resort to various means to educate their children—coercion included when deem necessary. For instance, to stay away from electrical wires and running cars. Carefree attitude would be considered careless if not criminal. Of course, the identity of the coercer is relevant for us to make a judgment about the legitimacy of the coercing act. An act of a parent over his child might be considered legitimate while the same act, conducted by the State over the child, even if proclaimed to be done for his own good, might be considered as illegitimate and unjustifiable. We need to manage coercion carefully and reasonably. Liberals are suspicious of State powers and how they are put into use, for good reasons. We are wary of powerful agents (Anderson, 2002, 2010).

Kant and Mill supported compulsory education for the benefit of the child. Kant (1900: p. 28) wrote: "The child should be allowed perfect liberty, while at the same time he must be thought to respect the liberty of others, and submit himself to a restraint which will lead to a right use of future liberty." John Stuart Mill (1948: p. 160), the great liberal champion of liberty, supported compulsory education. In his mind, governments must provide proper facilities for education designed for the benefit of society as a whole, and it is "one of most sacred duties of the parents" to ensure education for their children. Mill acknowledged that compulsory education contradicted the freedom one enjoyed in choosing for oneself and one's children the form and level of education. Education is both a means towards liberty and one of the ends for which liberty existed (Mill, 1948: pp. 160-162). Education is essential for good government (Mill, 1859), and for according equal rights to man and women.

Mill (1948) insisted that the parents, especially fathers, were responsible for the proper education of their children and he wanted to compel them to take responsibility. He suggested introducing an examination at a certain age by which children manifest their reading ability. If the child was unable to read, the father had to explain why his child did not meet the required level of reading. If the explanation deemed unsatisfactory, the father "might be subjected to a moderate fine." And if a father, either from idleness of any other avoidable cause, fails to perform his legal duties, for instance supporting his children, "it is no tyranny to force him to fulfil that obligation, by compulsory labour, if no other means are available" (Mill, 1948: p. 153).⁷

Indeed, welfare states commonly reason today that they know better what is good for their citizens, thus enforcing a certain level of education upon them. Liberal democracies invoke mandatory education and most people—adolescents and their

parents—accept it. Compulsory education may seem to be an invasion of individual rights, but in final analysis it may guarantee more freedom than it destroys. For if ignorance may be viewed as a type of unfreedom, education increases the number of options and possibilities that are open for people to pursue their interests. In France, the education system is a primary instrument to shape a unified, Republican identity. Public schools have played a major role in counteracting religious prejudice and in inculcating French national values. Dogmatism and traditionalism are left behind the school gates and students inside the school are able to entertain, in a free and secular atmosphere, values of progress and justice. School teachers and administrators are to protect this environment (Baker & Harrigan, 1980; Corbett & Moon, 1996). They should ensure that distinctions are eliminated, and students of diverse backgrounds are taught what is needed for the development of a common civic identity.

Since the Revolution, France has used its school system to make French citizens out of people from the country's many different regions: Corsica, the Basque areas, Provence, Brittany, Gascony, Savoie (Italian), Alsace-Lorraine. In the late 19th century, the process intensified under the influence of a centralist state (Willms, 2004). Laws on schools passed during the July monarchy (1830-1848), the Second Republic (1848-1851) and the Second Empire (1851-1871). In 2003, former Socialist Prime Minister Laurent Fabius described public schools by saying: "The school is not just one among many places; it is the place where we mold our little citizens. There are three legs: *laïcité*,⁸ Republic, school; these are the three legs on which we stand" (Gunn, 2004: p. 454). Two years later, in 2005, a framework law was passed, stating that education is a national priority, and that the system should guarantee that all students acquire a common set of knowledge and skills that will give them equal opportunities in professional life. These principles were reaffirmed by the 2013 reform (law no. 2013-595 of July 8, 2013) and related decrees (Caporali, 2014).

Public education was perceived a key in the rivalry between religion and the progressive ideas of the revolution. Against dogmatic and intolerant religions, Catholicism and Islam, the French have developed a quaternity of values: *Liberté, égalité, fraternité* and *laïcité*. In the Republic's earlier days, Catholicism was seen as enemy of progress and liberty as well as hostile to the idea of substantive democracy. More recently, Islam attracts the same criticism.

7. Coercion via Third Party

Sometime people lack ability to coerce others directly. Conflicts often become triadic when the two sides are unable to resolve their differences. Then the coercer may try to exert pressure by a third party who is susceptible to its influence and has some leverage on the target for coercion.

Coercion via third party is useful when the target is too strong. Then the party that wishes to sway the target to comply with certain demands may need a stronger party, with broader abilities, to join in and exert its power. Coercion via third party is useful also when the target is evasive. The target might operate in the underground, away from the public eye. Those who may wish to coerce it to discontinue a certain practice may require the assistance of a third party that has better communication with the target, or is better positioned to influence it. Third parties, of course, have their own interests. We may distinguish various forms of relationship between two sides vis-à-vis a third party:

1) Shared interests. The two parties see eye to eye. They have good relationship. Trust between them is good. Both have something to gain from coercing the target. The third party has the ability to coerce the target and the first party has the ability to give the third party something that the latter wants in return. Collaboration will enhance their relationship and contribute to their standing and status.

- 1a) Shared interest. The two parties see eye to eye and have good relationship. None has the ability to coerce the target but they believe that together they will be able to do it. Both are interested in collaboration.
- 2) Lukewarm shared interests. The two parties have lukewarm relationship. Trust between them is limited but both sides are interested to further their relationship. The third party has the ability to coerce the target and the first party has the ability to give the third party something that the latter wants in return. While the third party does not have an urgency to engage in coercion against the target, it still perceives some potential gains. In this case, the offer made by the first party is likely to determine the level of the third party's involvement and commitment.
- 2a) Lukewarm shared interests. As above but none has the ability to coerce the target alone. Both sides are willing to explore working together and see whether they have enough to build upon to exercise co-coercion.
- 3) No shared interests. The third party has the ability to coerce the target and the first party has the ability to give the third party something that the latter wants in return. However, the two parties are not sufficiently familiar with each other. They do not have shared interests, or are not aware of having such shared interest. They never worked together. The third party does not have a real, urging interest to coerce the target. In this case, the first party needs to invest in trying to influence the third party to change its perception and make it realise that they do have common interests if not directly vis-à-vis the target then in other spheres. The first party will try to engage with the third party, provoke its interest, make attractive offer, build some trust and motivate the third party to engage in coercion.
- 3a) No shared interests. As above but none has the ability to coerce the target alone. The first party will strive to convince the third party to collaborate in coercing the target.⁹

8. Self-Coercion

Can a person forfeit her own freedom and become a slave? Both Kant and Mill answer in the negative. [Kant \(1959: pp. 46-47\)](#) believed that human beings are objects of respect. People are objective ends whose existence is important and cannot be substituted for another end. This principle of humanity as an end in itself is the supreme limiting condition on freedom of the actions of each individual and therefore one cannot subject oneself to serfdom.

Kant emphasized the importance of morality, humanity and autonomy. According to [Kant \(1959: p. 71\)](#) people do not have mere relative worth that can be exchanged as commodity. In turn, the concept of autonomy is inseparably connected with the idea of freedom. Autonomy is related to the universal principle of morality, which ideally is the ground of all actions of rational beings.

In *Toward Perpetual Peace*, [Kant \(2017\)](#) denounced colonial conquest and slavery as uncivilized, cruel and brutal practices: "The inhospitality of coastal people (e.g. those on the Barbary coast) in robbing ships that come near or making slaves of stranded travelers, and the inhospitality of desert people (e.g. the Bedouin Arabs) who see the approach of nomadic tribes as conferring the right to plunder them, is thus opposed to the natural law."

Similarly, [Mill \(1948: p. 157\)](#) urged that one did not have the right to impede one's own freedom in an irreversible way, which would impede one's personal sovereignty. Any contract of even a voluntary servitude would be "null and void."¹⁰ [Mill \(1948: p. 158\)](#) explained that in this extreme case the state is legitimate to limit the power of the individual to forego his own lot in life and that no law should permit slavery, for by selling oneself to slavery, one abdicates the very purpose which is the justification of allowing one to dispose of oneself: "The principle of freedom cannot require that he should be free not to be free. It is not freedom to be allowed to alienate his freedom."¹¹ Liberty does not mean that every person, regardless of

character or capacity, should claim to do as she pleases without respect to the common good (Hamilton, 1933: p. 76; Gray, 1983: p. 94; Grill & Hanna, 2018). Mill (1971: p. 322) implicitly assumed that one who decides to become a slave is not rational enough to have full responsibility of one's future life. While, generally speaking, individuals are the best judges of their own affairs but the exception being when "an individual attempts to decide irrevocably now, what will be the best for his interest at some future and distant time."¹²

The underpinning rationale is that liberty is important but it must be contained. People cannot uphold liberty as a license to do as they please with little thinking about the consequences of their conduct. If the conduct inflicts pain upon oneself, Mill advocated moral reproach. But people should not be punished simply for developing an addiction to bad habits such as drinking, taking drugs, gambling, or visiting prostitutes. Mill (1948: pp. 136-140) distinguished between harm to self and harm to others, allowing more latitude to self-harm. If the conduct damage others, then liberty needs to be restrained. Intervention in one's liberty is warranted if the benefits of doing so outweigh the costs. Thus, if because of their addiction people are unable to pay their debts and unable to support and educate their children, then they are deservedly reprobated and "might be justly punished" (Mill, 1948: p. 138). In short, wrote Mill (1948: pp. 138-153), whenever there is a definite damage, "or a definite risk of damage," either to an individual or to the public at large, "the case is taken out of the province of liberty, and placed in that of morality or law."¹³ With Mill, I argue that coercion can be legitimate also when it is exercised over people who do not secure basic reasoning and planning capacities.¹⁴ Like Mill I think that those who exercise coercion are obligated to ensure that their coercion is legitimate. I also think that special caution is required when the coerced are vulnerable people. Vulnerability is a cause for concern and certainly not a window for exploitation. At the same time, I think Mill (1948: p. 163) went too far in endorsing laws which prohibit marriage unless the parties provide evidence to show that they have the means to support a family. While Mill thought that such laws do not exceed the legitimate powers of the state, I think they are objectionable and violate individual liberty. This coercive paternalism contravenes the underpinning liberal principles of respect for others and not harming others.

What about suicide? According to Mill, if a given action primarily concerns the acting individual, then she should enjoy freedom to inflict upon herself harm as every person is the best judge in her own affairs. Mill (1948) explained his reasoning by formulating the example of the unsafe bridge:

If either a public officer or anyone else saw a person starting to cross a bridge that was known to be unsafe, and there was no time to warn him of his danger, they might seize him and pull him back without any real infringement of his liberty; for liberty consists in doing what one desires, and he doesn't desire to fall into the river. Nevertheless, when there is not a certainty of trouble but only a risk of it, no-one but the person himself can judge whether in this case he has a strong enough motive to make it worthwhile to run the risk; and so I think he ought only to be warned of the danger, not forcibly prevented from exposing himself to it.

Mill qualified this assertion by maintaining that he assumed that the individual who wishes to cross the bridge is capable to reason. Thus, Mill excluded children, or delirious persons, or persons in some state of excitement or pre-occupation that won't let them think carefully. But people who are *prima facie* reasonable may commit suicide if they so wish, and agencies of the liberal state should not actively take it upon themselves to stop them from doing so.

9. Internalized and Designated Coercion¹⁵

Inter and intra-cultural relationships pose further problems and dilemmas. When a minority culture in society denies some freedoms and rights to a certain group living

in that same culture, we may feel that some form of coercion is being exercised. For example, if a religious sect denies certain rights and liberties to its female members (e.g. education or property), that sect may continue doing so because it is assumed that all members of that group internalized the system of beliefs that legitimizes the exclusion of rights from women as part of the socialization process of the group. Women are subjected to a system of manipulation that is working against the basic interests of the group inside the community not to be harmed and to enjoy equal respect. The discriminated members of the community do not feel that they are being coerced to follow a certain conception. They internalize cultural norms that are coercive by nature. Outsiders may claim that a whole-encompassing system of manipulation, rationalization and legitimization is being utilized to make women accept their denial of rights. But on most cases this view may only be the view of outsiders, not of the women concerned. If at all, one may argue that women of that sect are experiencing *internalized coercion*. Unlike the common form of coercion where (P) is threatening (Q) to bring about negative consequences if Q does not do a certain conduct (A), in internalized coercion a group (G) is enshrining norms that bring the group to believe that certain discriminatory practices against part of the group are legitimate and even necessary for the preservation of G.

Is internalized coercion reasonable? This is a difficult question. *Prima facie*, those who are subjected to it may not see it as coercive. They willingly accept the social conditions to which they are subjected. They may not feel that their options are being restricted, and they voluntarily abide by the restricting cultural codes. Those who are subjected to internalized coercion may accept the reasoning and justifications that are part of their culture. They may perceive the upkeep of tradition as more important than the personal freedoms they are asked to sacrifice. It might be the case that they are not even aware of their sacrifice. For many of those who are subjected to this form of coercion, their way of life, their conception of the good is a form of just, reasonable multiculturalism. It is coercive because some form of manipulation is involved to overcome potentially resisting will. The manipulation makes that which is perceived to be objectionable by people outside the group an accepted and legitimate practice by members of the said group. Moral coercion of group opinion is persuasive and overbearing. Tradition and historical memory may keep internalized coercion alive even when it is clearly unjust in the eyes of outsiders. Liberal attempts to intervene in order to end discriminatory relationships might face objections and vilification as an unjust, coercive colonialism. Attempts to free people from coercion might be regarded as vile and insensitive coercion. Thus, the boundaries of liberal intervention in sub-culture's internal affairs should be delineated with great caution.

Concrete difficulties arise when some women in the said cultural or religious group fail to internalize fully the system of norms that discriminates against them. Upon realizing that they are being denied fundamental rights, they might wish for instance to opt out of their community. This is the example of the Bedouin girl that opened this paper. If members are allowed to opt out, no question arises. If not allowed, then a case may arise for state interference to overrule this individualistic, designated coercion that aims to deny women freedom to leave their community. Then threats of physical harm, perhaps of significant economic loss that would leave the girl in question in dependent situation, are used. I call this form of coercion *designated coercion*. Unlike the internalized coercion it is not concerned with machinery aiming to convince the entire cultural group of an irrefutable truth; instead it is designed to exert pressure on uncertain, "confused" individuals so as to bring them back to their community.

There are communities in which female genital mutilation is being practiced and most of the girls in these communities grow to believe that this practice is essential for their integration as women in their communities ([American Academy of](#)

[Pediatrics, 2010](#); [Duivenbode & Padela, 2019](#); [Creighton & Liao, 2019](#)). Because this cultural norm is backed by the elder women who lead by example, most girls do not object to the practice and accept it as is, as part of their growing up ([Cenry Smith, 1992](#); [Mathews, 2011](#)). They are not aware of the system of manipulation and the coercion is internalized into their way of life and conception of the good. However, when girls object to the practice and wish to protect their womanhood, then designated coercion is employed to safeguard the norms of the community and to “educate” the “stray weeds.” This form of coercion is unjustified and the state is warranted to interfere and to rescue the helpless girls who wish to retain their femininity and sexuality and have the power and the will to fight against their superiors and tradition. It is one of the roles of the liberal state to stand by weak parties who seek defence and help to safeguard their human rights.

10. Coercion by Minority and by Majority

[Rawls \(1971: p. 216\)](#) speaks of a case where one group wants to make the entire community accept its own conception of the good. He has in mind political parties in democratic states whose doctrines commit them to suppress the constitutional liberties when they have the power.¹⁶ A case in point is the religious coercion practiced by the Orthodox minority in Israel over society as a whole ([Cohen-Almagor, 2017b](#)).

Adhering to the principles of respecting others, and not harming others, the constant challenge for all democracies is to secure human rights for all, the powerful as well as the powerless. The lack of separation between State and religion in Israel leads to discrimination against non-Orthodox Jews in the private sphere, in conducting their most personal issues of marriage and divorce. Secular Jews and Jews of non-Orthodox denominations are coerced by the Orthodox minority establishment. The Chief Rabbinate, the supreme rabbinic authority for Judaism in Israel, enjoys a monopoly on all matters relating to personal status. This body has a clear bias against non-Orthodox movements. At the centre of this illiberal system of governance is Jewish Law, *halacha*, not the individual. All Jews need to conform to the Orthodox way of life. There is no pluralism and equality between different dominations of Judaism. Respect for Reform and Conservative ways of life does not exist. Orthodox and Ultra-Orthodox religious coerce others to follow their conception of the good ([Raday, 1995: pp. 193-241](#); [Raday, 2002](#); [Cohen-Almagor, 2000](#); [Hermann & Cohen, 2013](#)).

Reform and Conservative marriages performed inside Israel are not recognized by the State, led on religious matters by the Orthodoxy. This does not deter over 1000 couples a year to ask a Reform rabbi (male and female) to officiate at their wedding.¹⁷ Most couples, after having a Jewish Reform or Conservative ceremony in Israel, go overseas to places such as Greece, Cyprus, sometimes other European countries and even the United States to conduct a civil ceremony. This marriage is recognized in Israel for marriage registration purposes.

Israelis who travel abroad to marry are not necessarily affiliated with the Reform and Conservative movements. They simply object to coercion and do not wish to have any religious stamp on a very personal civic conduct. It is estimated that one in six of Jewish couples marry abroad ([Hiddush, 2014](#)). The 2013 Religion- and-State Index showed that two thirds of secular Israelis would prefer not to marry in an Orthodox ceremony, if they were free to choose ([Hiddush, 2014](#)).¹⁸ The 2019 Religion-and-State Index showed that 68% of the public support equal status to Orthodox, Conservative and Reform denominations ([Regev, 2019](#)). Furthermore, couples who decide to go separate ways, including those who married in a civil marriage abroad, are still required to divorce in a religious court. Most Israelis are not aware of this ([Israel Religion and State Index, 2016](#)). Only when couples separate they realize that they are forced to undergo a discriminatory ritual in

rabbinical courts that are of little significance for them.¹⁹ Thus, the present situation infringes basic human rights, freedom of religion, freedom of conscience and equality.

The *halachic* coercion brings about continued agony and a great deal of hardship that alienate many parts of the population from the State and its institutions.

Secular people are required to abide by a set of norms and *halachic* regulation that are not part of their worldview. Designated coercion is employed against those who protest against *halachic* dictates.

A minority culture should not force its ideas upon the entire community. This form of *minority coercion* is repudiated by Rawls just as he rejects *majority coercion*. Democracy is a form of government that secures rights of all, majority and minority alike. We oppose majority rule when it does not protect the rights of minorities, and likewise we object to minority coercion that does not respect the rights of the majority. Democracy is a majority rule *while respecting rights of minorities*. Democracy should come to the help of vulnerable populations when their human rights are violated.

Speaking of safeguards and constraints, a pertinent distinction is the one between *substantial* or *irrevocable* safeguards and constraints, and *contingent* or *alterable* ones. The first category consists of safeguards and constraints that are non-consequentialist, prescribed by the most fundamental principles of liberalism: they present hard-and-fast restraints as a rule, urging that some things lie beyond society's capacity to tolerate.

Government should grant each person equal concern and respect, and promote the view that each person matters, that she or he matters equally. This also means that government should secure each person's fundamental rights and liberties, first and foremost the right to life and the right not to be harmed by others, no matter whether the offender is a member of another community, the same community, or the same cultural minority. Stranger or relative, neither may set herself above the law by resorting to cultural justifications.

The second category consists of contingent safeguards and constraints. Here the view is that some safeguards and constraints may be removed when circumstances change, therefore they are introduced conditionally: they are a matter of time, place, and manner. If the circumstances are altered, the safeguards and constraints may be removed. This category includes familiar controversies on issues such as conscientious objection, alcoholism, drugs, capital punishment, sexual intercourse, abortion, euthanasia, and paternalism in matters of safety.

11. Conclusion

Coercion yields one winner, at least for a short term. Coercion lasts as long as the powerful maintain power over the opponent who—if she feels the coercion is unjustified and negates her best interest—will be looking for the right opportunity to regain autonomy.

The proposed distinctions are instructive. I distinguished between circumstantial coercion and human coercion, between coercion and brute forms of oppression, and between benevolent and malevolent coercion. Coercive restrictions on the future of adolescents in order to preserve familial, cultural and religious ties are highly problematic when the adolescent is torn between different conceptions of the good. What is needed is a tolerant and supportive environment in which adolescents would feel safe to express their evolving beliefs.

Liberal democracies resort to paternalistic coercion to protect the best interests of certain groups, especially vulnerable groups. I spoke of self- and other- regarding forms of coercion and when they are deemed justified and provided further distinctions between internalised and designated coercion, and between minority and majority coercion. I explained that majority coercion is not necessarily more justified

than minority coercion. Might does not make right. Democracies should come to the help of designated individuals whose basic liberties are infringed by the exercise of coercive methods employed by intolerant and illiberal elements among the community in which they live. The constant challenge for all democracies is to secure human rights for all, the powerful as well as the powerless, for those who are able to take care of themselves and for the vulnerable who are struggling to maintain their independence and autonomy.

NOTES

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¹For discussion on the distinction between coercive threats and conditional offers, see Carr (1988).

²For further discussion, see Rorty (1997).

³For further discussion, see Moody-Adams (2018).

⁴In the United Kingdom, the Forced Marriage Unit (FMU) is a joint Foreign and Commonwealth Office and Home Office unit which leads on government policy, outreach and casework. Its jurisdiction includes the UK where support is provided to any individual and overseas where consular assistance is given to British nationals. The FMU operates a helpline to provide advice and support to forced marriage victims as well as to professionals. The assistance includes safety advice and helping “reluctant sponsors”. In extreme circumstances the FMU assists with rescues of victims held against their will. See [Forced Marriage Guidance \(n/d\)](#).

⁵See Shelley Saywell’s (1999) documentary *Crimes of Honour*, <http://icarusfilms.com/if-cri>.

⁶See also Anderson (2011); Ripstein (2004); Ryan (1980).

⁷For further discussion, see Cohen-Almagor (2012).

⁸Viewed as a constitutional principle and even as a doctrine, *laïcité* postulates the existence of secular ethic that acts as civil religion and educational tool to implant tolerance.

⁹For further discussion, see Pearlman and Atzili (2018).

¹⁰See also Cohen-Almagor (2012).

¹¹For further discussion, see Arneson (1980); Hodson (1981).

¹²For further discussion, see Saunders (2016).

¹³For further analysis, see Brown (1978).

¹⁴For a contrary view, see Hassoun (2009).

¹⁵I first developed this idea in Cohen-Almagor (2006).

¹⁶See generally Airaksinen (1988); Steiner (1994: pp. 22-32).

¹⁷I thank Yonatan Melamed for this information. In recent years, some 50,000 couples marry each and every year. In 2013, there were 52,705 marriages. In 2017, 50,029 marriages. [Israel Bureau of Statistics \(2019\)](#).

¹⁸The National Council of Jewish Women (NCJW) is committed to “the letter and spirit of respect for democratic values and civil liberties. The monopoly of authority given to Orthodox rabbinical courts in Israel regarding issues of personal status, particularly marriage, weakens rather than strengthens the state itself by causing disunity, disrespect for the law, and even hostility among Israelis and between Israel and Jews abroad. In addition, twenty percent of the Israeli population is made up of members of minority groups whose marriages are similarly governed by the religious authorities of each faith, and who, as a result, face marital issues of their own. As a result, hundreds of thousands of Israeli citizens are denied the right of marriage

solely based on issues of religion.” See [NCJW Board Calls for Civil Marriage in Israel \(2013\)](#).

¹⁹The *Halachic* ceremony of granting a *gett*, the bill of divorce, is conducted by men. The wife has to wait outside the courtroom while the judge, his assistants, and the witnesses, all men, participate in the procedure that is foreign to secular women. The wife is called to the courtroom only in the final stage in order to receive the *gett*. See [Rosenthal \(2019\)](#); [Triger \(2012: p. 1\)](#).

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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