

# On Compromise and Coercion\*

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*Abstract.* This essay addresses the concepts of compromise and coercion. When compromise takes place between two or more parties, reciprocity must be present; that is, the concessions are mutual. A relevant distinction is between *principled* and *tactical* compromise. A principled compromise refers to a mutual recognition by each side of the other's rights, which leads them to make concessions to enable them to meet on a middle ground. It is genuinely made in good faith and both sides reconcile themselves to the results. On the other hand, the notion of tactical compromise reflects a temporary arrangement reached as a result of constraints related to time. Here, in fact, agents do not give up any of their aims. They do not act in good faith and do not intend to meet their counterpart on a middle ground. Instead, they simply realize that the end could not be achieved at a given point of time, and they aim to reach it stage by stage. The essential component of compromise, namely, mutuality, is lacking. Next, the paper draws a further distinction between *internalized coercion* and *designated coercion*. Internalized coercion relates to the system of manipulation to which members of a certain sub-culture are subjected, which prevents them from realizing that they are being coerced to follow a certain conception that denies them basic rights. Designated coercion is individualistic in nature, aimed at a certain individual who rebels against the discriminatory norm. 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.

Ever since I assumed my present office my main purpose has been to work for the pacification of Europe, for the removal of those suspicions and those animosities which have so long poisoned the air. The path which leads to appeasement is long and bristles with obstacles. The question of Czechoslovakia is the latest and perhaps the most dangerous. Now that we have got past it, I feel that it may be possible to make further progress along the road to sanity.

(Neville Chamberlain, "Peace in Our Time", October 3, 1938)\*\*

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\*\* From Great Britain, *Parliamentary Debates*, Commons, Vol. 339 (October 3, 1938).

## I. Introduction

The aim of this study is to analyze the concepts of compromise and coercion. When the compromise process fails, sometimes one of the sides to a given dispute might resort to coercion, and *vice versa*: Sometimes when coercion fails, the side that wished to coerce at first is pushed to make concessions and to compromise, realizing that coercion will not do. When coercion is preferred over compromise, tolerance is pushed aside and replaced by domination, by actions that repress autonomy rather than enabling it to flourish. On the other hand, when compromise is conceived as the preferred strategy, tolerance plays a major role in the decision-making process.

Part II discusses the concept of compromise, drawing a distinction between principled and tactical compromise. Part III canvasses the concept of coercion, drawing a distinction between Internalized and Designated Coercion. Part IV, Conclusions, speaks of the need to promote civic education through discussions on tolerance, based on mutual respect, and of compromise, based on mutual genuine concessions between different fragments of society.

## II. On Compromise

According to the Oxford English Dictionary “compromise” is a “settlement of a dispute by which each side gives up something it has asked for and neither side gets all it has asked for.”<sup>1</sup> The settlement may be achieved by consent reached by mutual concessions. It can be reached without any external interference or assistance, or by arbitration. In arbitration, the parties take their conflict to a third party, conceived by them as impartial, who tries to resolve the conflict through agreement. Here we may distinguish between *voluntary* and *compulsory* arbitration. Sometimes parties in conflict will decide to seek arbitration on their own initiative, e.g., a couple who wish to separate outside the courts and seek arbitration to settle their dispute. In other times parties may commit themselves to arbitrate certain categories of issues. It fits into a previously established framework, and the parties may not choose whether or not to be included. They automatically find their case in arbitration (Schellenberg 1996, 195). This is the case, for instance, when a person buys a property with the obligations and the arbitration framework of the previous owner.

We may also distinguish between two types of compromise: the *directly negotiated* one and the *third-party* compromise. In any event, negotiation is the art of compromise. When compromise takes place between two or more parties, the emphasis is on reciprocity, that is, the concessions are mutual.

<sup>1</sup> *Oxford Advanced Learner's Dictionary of Current English*, s.v. “compromise.”

Compromise is made possible when each side values more the things that can be achieved than the things they are required to give up. People of good will transmit the desirable into the necessary, acknowledging the social, cultural, moral and/or political constraints.

Compromise has preconditions. The discussion presupposes that some forms of communication and cooperation take place between the involved parties (notice that compromise requires some kind of cooperation, but not all forms of cooperation require compromise), and that the parties speak the same language, in the sense that they share some basic norms which form the grounds for potential understanding. Here I refer to the underpinning foundations of every democracy: the norms of respecting others and of not harming others. When divergences become so fundamental that they can no longer be compounded, then no compromise can be reached (Sabatier and Jenkins-Smith 1993, chaps. 2, 3). There is simply nothing to talk about. Thus, to reach an agreement or some form of understanding, an appeal to common norms has to be made. Sometimes the appeal also must include norms known to be of value to only one of the sides (say, A). This can be done if these norms are not repugnant to the other side (B). B may regard some norms as inconvenient, yet may view them as practical and acceptable, necessary to make communal life possible (for example, accepting A's request to refrain from playing the drums and listening to loud music late at night). Then B may recognize the force or sincerity of the opponent's view and—while not agreeing with A's position (B would prefer to play music 24 hours a day)—accept A's right to hold it.

Another favorable (but not necessary) condition for compromise is mutual respect. Gutmann and Thompson explain that mutual respect requires a favourable attitude toward, and constructive engagement with, the persons with whom one disagrees and consists in an excellence of character that permits a democracy to flourish in the face of fundamental moral disagreement (Gutmann and Thompson 1996, 79). In compromise, interests are accommodated rather than regulated, and this accommodation should be inspired by the respect we feel for the autonomy of the other.<sup>2</sup> When we are sensitive to the rights of the other, then we will prefer settlement to coercion, and we will be more willing to acknowledge the need for concessions in order to reach an agreement. Different types of conflict will generate different sorts of compromise, according to the nature of the diversity at issue, the content and context of the dispute, and the complexion of the groups involved. Political conflicts are usually divided into three categories: conflicts over scarce resources, ideological conflicts

<sup>2</sup> Stephen Darwall (1977) distinguished between *recognition respect* and *appraisal respect*: The former being respect we ought to have to all human beings, while the latter means having a positive attitude toward a person above and beyond mere respect for her as a person. Here I am using the term "respect" as to mean recognition respect.

involving rival-rights claims, and the collision of opposed identities, each seeking recognition. Whereas splitting the difference entails mutual concession, compromises over ideological and identity issues prove more challenging and require constructing a distinctive position to accommodate the various claims, values, and ideals at stake (Bellamy 1999, 103–4).

In politics, compromise suggests adapting to the realities of the situation at hand, meeting opponents somewhere in the middle, and promoting the public good by sacrificing certain demands or preferences (Carter 1973, 144). When the United States Supreme Court grappled with the highly intricate issue of abortion, it seems the justices wished to make a genuine compromise between the pro-life camp<sup>3</sup> and the pro-choice camp. Writing for the Court, Justice Blackmun argued that the right of personal privacy includes the abortion decision, but this right is not unqualified and must be considered against important state interests in regulation. The Court's decision leaves the State free to place increasing restrictions on abortion as the period of pregnancy lengthens. For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician. For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health. Finally, the Court argued, for the stage subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother (*Roe v. Wade* 410 U.S. 113, 93 S. Ct. 705 (1973)).

However, abortion is one of those issues on which it might be extremely difficult, even impossible, to reach a compromise (May 2005). *Roe v. Wade* attracted criticisms from both pro-life and pro-choice activists. The former argue that the decision effectively allows the murdering of innocent children, while the latter assert that the decision does not give due weight to wishes of the woman who is solely responsible for what is inside her body. The State should not interfere. Indeed, a person who believes in the sanctity of life, no matter what, would principally object to abortion, euthanasia, and capital punishment. People who take issue with this position may seek a compromise, trying to persuade the opponent to recognize some considerations that, to their mind, play a major part in such grave decisions. For instance, with regard to abortion they would try to

<sup>3</sup> In his comments on this study, Robert Post writes that "in America, pro-lifers are typically also death penalty advocates," thus the term "pro-life" may not be the adequate term to describe those activists. They do, however, object to abortion and believe in the sanctity of life of what they conceive as unborn children.

persuade others that abortion should be available if conducted at an early stage of pregnancy and when the reason is compelling, say rape. With regard to euthanasia they would insist that it should be available when the patient voluntarily asks for that, without any pressure, the prognosis for some recovery is nil, and the patient is suffering miserably. And regarding capital punishment they may argue, quite persuasively so they think, that where vicious serial killers (like Ted Bundy<sup>4</sup>) are concerned, and where ample and unmistakable evidence from different sources is available to prove the killer's guilt beyond a reasonable doubt, then capital punishment may be considered as an option. To push the point further, they would ask the sanctity-of-life believer to consider the case of S.S. officers who brutally murdered Jews and gypsies during WWII. Would you then see that even your staunch principle has exceptions?

Yet it might be the case that all arguments would fail to persuade the sanctity-of-life believer. Sanctity of life is conceived in absolutist terms, i.e., it means for her exactly that: sanctity of life, period. This viewpoint upholds an unqualified ban on all forms of life termination. This issue is taken outside the realm of politics. The only power who may take life is the almighty, he and he alone (vitalists will speak of nature instead of God). People should not decide for themselves such issues, and no considerations are ever compelling enough to persuade otherwise.

To explicate this further, suppose that a suffering patient asks her doctor to terminate her life; however, the doctor belongs to those who believe in the sanctity of life and is unable to comply. All he can offer is palliative care. Again, no compromise is possible in this case. The patient will continue to live and will not see palliation as a solution, certainly not as some form of compromise, but as something that is imposed on her, for she feels life as such is imposing on her (Cohen-Almagor 2002). Therefore, we need to recognize that it is not possible to reach a compromise on all issues. Some issues for some people are black and white, or in computer language 1 and 0, and there is nothing in between, no bridges, no scales, no meeting grounds.

A few years ago I taught a graduate seminar titled "The right to live in dignity and the right to die in dignity" at an American school of law. The first part of the seminar dealt with beginning of life issues, mainly with abortion. Despite my candid efforts to present the complexities of the issue (reading included *Roe v. Wade*; Thomson 1971; R. Dworkin 1993; Finnis 1973; Sumner 1974; R. Wertheimer 1973), the atmosphere in class was one-sided as five strong-minded, articulate feminist women dominated the conversations. They advanced pro-choice reasoning and dismissed all counter-arguments as "fundamentalist," "religious," and/or "illiberal." For them, abortion is a woman's right and any reason is good

<sup>4</sup> <http://www.bbc.co.uk/crime/caseclosed/tedbundy1.shtml>

for the act even at an advanced stage of pregnancy. Thus having a Caribbean cruise overrides pregnancy and if a woman is determined to go on a scheduled cruise she has the right to terminate unexpected pregnancy that interferes with the joyful plan. Interestingly, the men in the class took a silent backseat position and hardly contributed to the discussions. To somewhat balance this one-sided voice in class I decided to present my students a film called "Silent Scream," a propagandist plea prepared by a pro-life organization.<sup>5</sup> This film is highly tainted, does not pretend to present both sides of the controversy and consequently attracts lots of critique. But it shows an actual abortion and I thought that people who advocate abortion so easily should at least know what it involves. I asked the Law School Library to order the film but to my complete astonishment the head librarian declined my request on the ground that the film lacks educational merit. I contested this ruling and provided counter arguments regarding the importance of the First Amendment and academic freedom, to no avail. The scope of tolerance does not extend to a pro-life ideological film at this school of law. I should clarify that limitation of resources was not an issue. In my orientation tour of the library I was told the memorable sentence, "We don't have any shortage of resources."

I was able to find a copy of the film and to show it in class after providing a warning about its highly tainted content and allowing students who wished not to watch it to exit the classroom. All students chose to remain in the room and most of them did not appreciate my efforts to counterbalance the discussion with this film, and subsequently asked me to show a pro-choice film in class. I said that the class is pro-choice anyway, and I do not see any point showing such a film, given that we have a tight schedule and the pro-choice stance was presented in elaborate fashion for several weeks. A compromise was reached that I would organize for those who are still interested to see the film a room with the necessary equipment (TV and VCR) immediately after the seminar. As expected, the wide majority of those who remained to watch the film appreciated, even enjoyed, the pro-choice message.

Compromise is not only a matter of two or more parties dealing with a common subject of concern or resources. Sometimes a compromise is made by one side with regard to its aims, in deciding how to allocate the available means and in determining priorities. Compromise, then, often is required between the different demands, needs, and ideas that are to be pursued and satisfied, and between what is believed in and the circumstances. In short, people compromise between the "ought" and the "is," between what they aspire to, and what is given in reality. In this connection the given circumstances, conflicting goals, scarcity of resources, uncer-

<sup>5</sup> <http://www.silentscream.org/>

tainty, complexity of the subject involved, availability of means, and pressure precipitated by time may induce a party to compromise in making a decision. A relevant distinction is between *principled* and *tactical* compromise.

### II.1 Principled Compromise

A principled genuine compromise is a mutual recognition by each side of the other's rights, which leads them to make concessions to enable them to meet on a middle ground. It is made in good faith and both sides reconcile themselves to the results. A good example for principled compromise is the peace treaty signed between Israel and Egypt in Camp David in 1979, thanks to the tireless efforts of the then U.S. president Jimmy Carter. Both sides came to the negotiation table with true willingness to end the hostilities and to make painful concessions. The Begin government evacuated the Sinai Peninsula occupied during the 1967 Six Day War and returned this relative large piece of land to the Egyptians. The Sadat government recognized Israel's right to exist, established a mutual official relationship with Israel and by this put Egypt in a thorny and delicate position vis-à-vis the Arab world, which it led for a substantial number of years. Anwar al-Sadat (1918–1981) himself paid the highest price a person can pay—his life—for striking a deal with Israel.<sup>6</sup> Both countries' genuine *bona fide* yearning for peace, and the commitment of their respective leaders, have brought about a lasting peace that withstood many obstacles and tensions.

There can be principled compromise and tactical implementation of the compromise. Two rivals may conduct hostilities over long, troubled years and at one point decide to resolve the differences and reach a compromise in good faith. However, they may feel that a full-fledged implementation of the agreement is inappropriate. Instead, the agreement should better be carried out piecemeal, possibly because all people concerned should get used to the new situation. This is still a case of principled genuine compromise. I believe this was, and still is, the case of the Israeli-Egyptian peace treaty.

Principled genuine compromise should be sought in many social matters. For instance, the pornography market is the most prosperous market in the world, with hundreds of millions of consumers. In the United States alone, pornography has grown into a \$10 billion business—bigger than the NFL, the NBA, and Major League Baseball combined.<sup>7</sup> If you consider only the Internet, a report by the National Research Council

<sup>6</sup> <http://www.ibiblio.org/Sullivan/bios/Sadat-bio.html>

<sup>7</sup> American Porn, in *ABC News*, May 27, 2004, available at [http://abcnews.go.com/sections/Primetime/Entertainment/porn\\_business\\_040527-1.html](http://abcnews.go.com/sections/Primetime/Entertainment/porn_business_040527-1.html)

estimates that there are between two million and eight million subscribers to pornography Web sites, and that they paid between \$40 and \$100 for a year, for a total of approximately \$800 million in 2002. Jupiter Media Metrix estimates that online pornography revenues in the U.S. alone will grow from \$230 million in 2001 to \$400 million by 2006.<sup>8</sup> At the same time, some feminists conceive pornography as hate speech against women (cf. MacKinnon 1987; McIntosh and Segal 1992; A. Dworkin 1981; MacKinnon 1993; Dworkin and MacKinnon 1993; Barron and Kimmel, 2000; Schaeffer 2001), and religious circles condemn pornography for what they conceive as its immoral content. Liberals urge that we should try to respect both the interests of pornography consumers as well as those of feminist and religious circles (see Scanlon 2003, esp. 84–112 and Richards 1977). Therefore, sex shops should not be opened in religious and (if they exist) feminist neighborhoods. We should opt for regulations rather than censorship. Of course, pornography, like abortion and euthanasia, is another issue on which it might be extremely difficult, even impossible, to reach a compromise that would be acceptable to all sides of the dispute. But we should appreciate the genuine attempt on the part of liberals to reach some sort of compromise, of a workable formula that will answer some of the demands and interests of pro-pornography, and some of the demands and interests of the opposing camp.

Free-speech activists may further argue that no prohibition should be made on the production of books. Yet even they may acknowledge the difficulty involved in the publication of a manual that advises people how to become successful assassins (See *Rice et al. v. Paladin Enterprises*, 128 F.3d 233 (1997); Smolla 1999; Cohen-Almagor, 2006, 246–52). They may also recognize the need to restrict the sales of Holocaust deniers' pamphlets and history revisionists' publications in neighborhoods that consist mainly of Holocaust survivors. First Amendment scholars may staunchly defend the publication of gay-bashing literature, but still may question the need to promote that offensive literature in gay districts. Consideration for the other may dictate to refrain from opening non-Kosher shops that sell pork as well as from placing billboards advertising bathing suits in Jewish-orthodox districts.<sup>9</sup> Public roads that pass solely in such religious neighborhoods should be closed during Shabbat, the Jewish day of rest. The case is much more complicated when public roads pass in religious *and* secular neighborhoods. Then there is a need to strike a fair balance between competing interests, aiming to reconcile between the religious desire to keep those roads closed during Shabbat

<sup>8</sup> [http://www.hermitagesolutions.com/download/Internet%20Stat\\_032.doc](http://www.hermitagesolutions.com/download/Internet%20Stat_032.doc)

<sup>9</sup> A few years ago one bathing suit company decided to post large placards of a girl in a bathing suit in Bnei Brak, a very orthodox town outside Tel Aviv. I presume they wanted to provoke media attention. They did. It was a highly successful promotion campaign without publishing even one poster in that town.

and hours of prayers in other days of the week, and the free movement of the secular residents.<sup>10</sup>

I should further explain that by principled compromise I mean accepting the mechanism of compromise as a matter of principle, genuinely attending the debate with your counterpart with the willingness to recognize the other's interests and together establish a common ground. Both sides respect the personal autonomy, or dignity, of their counterpart (Dobel 1990, esp. 80; Kuflik 1979). This, however, does not necessarily mean that compromise should only be on principled matters, or that the parties compromise only on principles. In this context, a further distinction is in order: between changing one's mind on a given issue, and adhering to the same position but conceding to accept a very different arrangement in a specific situation. Let me explain.

James may believe that one of the woman's roles is to be in charge of food and of feeding the family. This is how he was brought up, and he lived all his life in an environment where women cooked for their men and families. When he grew up he fell in love with Grace, who happened to be a feminist. After extensive debates, James had changed his mind. He came to realize that there is not a natural mechanism that tunnels women to kitchens, that there is nothing inherent, no sacred bond that connects women to cooking. Some women don't like to cook. Some men love to cook. And, in any event, in Grace's life, nothing short of complete equality in allocating house chores would do. She made it very clear as a precondition for living together. James renounced his previous stance and accepts a new, equality-based position.

Now consider the case of Colin. Like James he also believes that one of the woman's roles is to cook. Women, he always said, are made for cooking. It is one of their major rights and duties. He fell in love with Karen who has many qualities but cooking is not one of them. In the first years of marriage he insisted that Karen cook no matter what. Karen had no strong feeling about the issue as did Colin. Still the result was fury, resentment, and unhappiness: The kids constantly complained about the food; Colin had to force himself to eat the delicacies Karen prepared, and Karen was unhappy to receive all the complaints and nagging comments. After some time Colin realized that a change should be made: For the sake of their home peacefulness he was willing to do take away, to hire a cook, and to find ways to keep Karen out of the kitchen. Karen, on her part, realizing the importance her husband assigns to "mom's cooking" said she would not mind cooking breakfast during the weekend. Eggs and pancakes she could do. Unlike James, Colin still believes it one of the women's roles to cook for their families, but this principle is not valid for his wife.

<sup>10</sup> A case in point is High Court of Justice 5016/96, 5025/96, 5090/96, 5434/96 *Horev v. Minister of Transport* (Jerusalem, April 1997, in Hebrew).

Karen is simply unable to cook as he wants her. He does not renounce his position. He acknowledges that it will not work in his specific family. But it should be the case for women in general.

In the first example, James and Grace did not compromise. James changed his mind. Colin and Karen, on the other hand, did compromise. Karen took upon herself a certain cooking responsibility. Colin did not revoke his previous stance and found himself in need to make accommodations in order to continue living with the woman he loves and with his family. Colin still believes in his cherished principle that the kitchen is a place for women. He compromised with Karen realizing that the principle would not do in their family. The compromise is made in good faith and both sides reconcile themselves to the results.

## *II.2 Tactical Compromise*

Because disputes frequently involve conflicts of personality, of character, and of distinct interests, settlements might turn out to be no more than a temporary arrangement, reached as a result of constraints related to time. This type of compromise is not the result of an effort to bridge the gap between rival groups. Instead it is a compromise which at least one side is forced to accept under given circumstances, or is driven to accept believing no further gains could be achieved in the given circumstances. There is no genuine willingness to give up part of the interests involved but only to postpone the deadlines for their achievement. If any compromise occurs here, it is within one party, and not between different parties. The essential component of compromise, namely, mutuality, is lacking.

Here a distinction can be made between tactical compromise that still respects the rights of the opponents, and tactical compromise that is based on deceit. As for the first type, political partisans make tactical compromises all the time. That does not mean they fail to respect their negotiating partners, only that they deem their ultimate goals too important to surrender. Thus, for example, environmental groups make tactical compromises, accepting less sweeping legislation than they desire, hoping that later they can win enough votes to pass a more comprehensive clean air act.<sup>11</sup>

The second type of tactical compromise involves one side that does not respect the partner of negotiation as rights-bearers. That side would have no qualms about violating the common understanding and trying to gain a further advantage at the expense of its opponent should a proper opportunity occur. This is what I call deceitful tactical compromise, to which agents resort without giving up any of their aims. It is not reached in good faith. In other words, deceitful tactical compromise lacks respect

<sup>11</sup> I am grateful to Steve Newman for elucidating this point in his comments on this paper.

for the other and it is a form of a lie in the sense that the deceitful person will break the terms of the bargain when the right occasion presents itself.

An example for tactical compromise that was based on deceit is the Oslo Peace Accords signed between the Palestinian Authority, headed by Yassir Arafat, and the Israeli government headed by Yitzhak Rabin in September 1993. Arafat was insincere in his motivations, allowing suicide murderers to continue their attacks on Israeli civilians. Hundreds of Israelis were killed and thousands maimed as a result of those bloody attacks.<sup>12</sup> Arafat eventually—publicly and manifestly—revealed his real intentions at the 2000 Camp David Summit when he refused to sign a peace treaty with Prime Minister Ehud Barak and to declare the end to all hostilities. Arafat was only playing for time, making tactical compromises to enhance his position vis-à-vis Israel without attempting to strike a deal with his enemy.<sup>13</sup>

Possibly the best example for deceitful tactical compromise is the 1938 Munich summit. In March that year Austria was declared a province of Germany and Hitler marched into Vienna. Then he set his eyes on Czechoslovakia. Part of that country, the Sudetenland which bordered Germany, was populated mostly by Germans who resented living under Czech officials and police, many of whom spoke poor German. They were excited over Austria's absorption into Germany and demanded political equality and autonomy. The Czechoslovakian government rejected their demands. Hitler wished to rescue the Sudeten Germans, and war between the two countries seemed inevitable. Mussolini responded to an appeal to mediate in order to forestall war, and on September 29, 1938 Mussolini, Hitler, Britain's Prime Minister Neville Chamberlain, and France's premier, Edouard Daladier, agreed to meet in Munich.<sup>14</sup> President Edvard Beneš of Czechoslovakia was not invited to the summit.

All of Hitler's demands regarding Czechoslovakia were answered for. Chamberlain compromised with Hitler, or thought he did, by sacrificing the little country. The compromise between the powers coerced

<sup>12</sup> Suicide attacks started in Israel on April 16, 1993, at a restaurant near Mechola in the Jordan Valley. The phenomenon had intensified after the signing of the Oslo Accords. Between April 1993 and January 2006 there were 176 suicide attacks. They resulted in 703 people killed and 4559 people injured. Cf. <http://www.ict.org.il/>. I thank Arie Perliger for the updated information.

<sup>13</sup> One referee noted that there are alternative readings of the Oslo Peace Accords, which do not put their failure down entirely to Arafat's deceitfulness. While I believe that the leaders of both sides, Israel and Palestine, made mistakes along the way that eventually made the Oslo agreement null and void, I think Rabin, Peres, and Barak sincerely wanted to put an end to the hostilities and establish peace with an independent Palestinian state. I am sorry but I cannot say the same about Arafat. If he were sincere in this peace initiative, he would have done far more to put a stop to terrorism, and certainly would not have sponsored it. Enough evidence was gathered to establish his involvement in acts of terrorism while talking about "peace." The "Karin A" incident illustrates this well. See <http://www.truepeace.org/download/truepeace63.pdf>

<sup>14</sup> <http://www.yale.edu/lawweb/Avalon/imt/munich1.htm#art5>

Czechoslovakia to succumb to Nazism. Chamberlain brought home a tolerable sacrifice for the British in order to achieve what he called “peace in our time.” This, however, was an illusion as Hitler was not sincere in his compromise. He made a tactical compromise, realizing that at that time his troops were not ready to go to war and that he could reach his aims by peaceful means. The compromise was between him and himself. The Nazi leader was encouraged by the weakness of England and France that evidently were afraid of Germany’s power. A year later he waged war on Poland and WWII had begun.

Munich is the destructive symbol of deceitful tactical compromise and illustrates the dangers that lie when one side is willing to make genuine concessions while the other is stalling for time. Therefore, compromise is not an end in itself. Compromise should not be made for its own sake, just because a need exists to take into account the preferences of others, no matter what these preferences might be. To extol the virtues of compromise simply because it resolves conflicts peacefully and satisfies the interests of some is to exalt means over ends and to judge the merits of the method used in settling a problem rather than its core. Nothing in the arguments for compromise suggests that compromise is a self-sufficient principle that can be divorced from moral or other considerations. Some claims are not permissible either to press or to accommodate, as limits exist to what may be decided democratically.

Thus a fundamental question of moral legitimacy precedes the act of compromise. The issue is whether compromise is compatible or incompatible with integrity and with justice in some sense. Compromise should be considered and reached according to the content of the demands, with regard to their substance and meaning. If the values at stake contradict human rights, inflicting harm on society or part of it, then tolerance prescribes a need to refrain from making concessions just to satisfy the wills of the exploitive parties. Here I refer to acts of appeasement, when one party may be willing to cooperate with another to exploit a third party. The fact that a combined power—joined through the making of compromises with the intent of exploiting a minority—is stronger than that minority does not imply that might makes right. A majority may hold destructive views, and the mere fact that a considerable number of people are involved does not make their beliefs just. It only makes the situation more terrible.

Let me now move to discuss the concept of coercion, when the tolerator decides that neither toleration nor compromise are in order and tries to force her perspective on the opponent.

### III. On 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"). English words derived from *arca* cluster about the pole of restraint in human affairs. Either the restraint is exercised in the interest of security, as when a person takes refuge in an ark, places relics in an arca, experiences arctation, or protects arcane knowledge; or the restraint is exercised directly by an outside agent, as when a person coerced or submits to coarctation (Weinstein 1972, 65).<sup>15</sup> To coerce is to narrow the space of free movement and action, lessening one's self-sovereignty and self-mastery. It is the opposite of exercising autonomy and acting in a voluntary fashion. Coercion undermines voluntariness because the doer is unable to freely reflect on choices and preferences. She is left with no options but the one (or few) the coercer chooses for her.<sup>16</sup> Voluntary thinking and action are essential for developing one's autonomy and, in this common usage, autonomy and coercion are defined by each other's absence: One is autonomous if one is not coerced, and to the extent that one is coerced, one is not autonomous (Gaylin and Jennings 1996, 154).

Coercion is widely held to be a matter of significance in human life, and with good reason. It gives one agent the ability to directly alter or impede the conduct of another. Coercion involves the employment of some form of power which sways a person to do something she would not otherwise do. When this happens the agent could not be held culpable for the act she performed.<sup>17</sup> Note in this context that while coercion is a form of power, not all exercises of power are exercises of coercion.<sup>18</sup>

Coercion sometimes is the only viable means available by which one can affect the behavior of other agents as it impacts on one's vital interests, such as one's bodily security, possession of property, or ability to move about in the world. Correspondingly, it is a means that others can use to change one's own activities for their particular ends, and in so doing undermine these very same interests.

There is a presumption against coercion. Other things being equal, a noncoercive rule, policy, or action is preferable to a coercive one (Held

<sup>15</sup> One referee remarked that "coercere" means to repress, to contain.

<sup>16</sup> Wertheimer argues that one acts voluntarily only when one's motivations are internal to the self or internal to the self in a certain way. See Wertheimer 1987, 287–306, esp. 291.

<sup>17</sup> Michael J. Murray and David F. Dudrick illustrate this by the following example: A person is carrying her family's weekly grocery money. We would not deem her morally culpable for surrendering it to someone who coerces her to give it up. But if she voluntarily handed the money over to a passerby, we would hold that she acted irresponsibly, and thus be worthy of some moral condemnation. See Murray and Dudrick 1995, 19.

<sup>18</sup> As McCloskey notes, power may be exercised via the use of force, by manipulation, conditioning, pressure; by rational, non-rational, irrational persuasion, propaganda; by behavior modification devices, operations consented to, drugs freely or un-freely used, hypnosis, brain-washing applied with or without the help of force; by the use of inducements, personal charisma, as well as in many other ways. McCloskey (1980, 335) rightly argues that while various of these forms of power are loosely characterized as forms of coercion, coercion proper should be distinguished from all these forms of power.

1972, 61). In other words, generally speaking people shrink from coercion and would like to lead their lives free of any coercion. But coercion is not necessarily malevolent. I disagree with Wolff who holds that coercion is intrinsically evil, that it is by definition degrading, stripping people of their personhood (Wolff 1972, 146). Here Wolff falls into the familiar liberal fallacy that conceives all people as rational and autonomous beings who are capable to decide for themselves and to carry out their life-plans as they desire. This is not the case. There are some instances in which we must resort to coercion. For instance, coercion can be resorted to as a mechanism of self-defence. Consider the following: Jones is holding you prisoner, and has promised that at noon he will kill you. As Jones approaches you with gun in hand, you succeed in grabbing his accomplice and threaten to stab him with your pocket knife if Jones does not drop his weapon. In effect, you have coerced him into dropping the gun and into not killing you.<sup>19</sup> Given the circumstances, the act was not intrinsically evil.

Coercion can also be used to protect weaker individuals from stronger ones. Parents use coercion to train young children how to live, and to protect them from themselves, from others as well as from their hazardous surroundings. Parents who do not resort to various means—coercion included when deemed necessary for the best interest of their children—to stay away from electrical wires and running cars 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 and as enhancing the best interests of the child. 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. On the whole, we would like to keep the integrity of the family and to safeguard its privacy against the intrusion of the state. There should be very compelling reasons to persuade us to forgo the privacy of the family and allow the state room to interfere. For good or ill, the brute usefulness of acts of coercion makes it an unavoidable part of human life, yet one that we must manage carefully if we are to do so well. It is exactly this usefulness that makes the conduct of the state a grave concern for those living within its reach, and justifies being wary of any very powerful agent (Anderson 2002, chap. 2).

When we speak of coercion it is essential that one party successfully alters or affects another party's choice of actions either by a constraining action (locking someone in a room) or by communicating to the other a credible, conditional threat—by which is meant an announced conditional intention to degrade the latter's prospects for acting. The perceived threat,

<sup>19</sup> This is based on an example in Ryan 1980, 484. In Ryan's example, the prisoner grabs Jones's son who is deemed to be innocent. Jones's accomplice is not.

which need not be physical, 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. That is to say, offers and threats contradict one another. There cannot be coercive offers (cf. Nozick 1969, 459; Gorr 1986, 395).<sup>20</sup>

Let me further explicate the issue by discussing threats and academic coercion. A few days after my arrival at the American school of law mentioned above I received a phone call from the senior administrator in charge of the curricula, saying that Dr. Jack Kevorkian wished to communicate with me via his assistant regarding the content of my bioethics seminar. Kevorkian, who was jailed after his conviction for the murder of Thomas Youk,<sup>21</sup> was concerned about the way he might be presented in my seminar. He said he did not have a very positive experience with ethics professors in the past and wanted to learn about my views on euthanasia. I included a chapter of his book (Kevorkian 1991) in the seminar's syllabus, the law school prepared some 20 copies of the seminar readings, and now Kevorkian asked to speak to me as a precondition for the inclusion of the chapter in the text book. I was puzzled. The issue was of granting permission to use his material only to those who endorse Kevorkian's views. He did not want people who object to his conduct to teach him. I told the administrator that I had nothing to discuss with Kevorkian, that I believed in academic freedom, and that I was going to teach his own writing, not a secondary source commenting on his book, so he should be content and even pleased.<sup>22</sup> The administrator accepted my point and said she would convey this to Kevorkian's assistant.

I thought the issue was behind me but some days later the administrator called me again, saying that Kevorkian was not content with my answer, and that he threatened to take his chapter out of the text book, something that the law school obviously did not want to do because of the extra costs it involved. She pleaded with me to speak with Kevorkian's assistant and was no longer impressed with my mantra regarding academic freedom.<sup>23</sup>

<sup>20</sup> For discussion on the distinction between coercive threats and conditional offers, see Carr 1988. See also Airaksinen 1988; Steiner 1994, 22–32; Ripstein 2004.

<sup>21</sup> *People of the State of Michigan v. Jack Kevorkian*, No. 221758, Court of Appeals of Michigan, 248 Mich. App. 373; 639 N.W.2d 291; 2001 Mich. App. LEXIS 225 (November 20, 2001). For further discussion, see the concluding chapter in Cohen-Almagor 2001.

<sup>22</sup> Robert Post notes in his comments that the system of copyright law may compromise academic freedom. Property right is the right to agree or disagree, to give or withhold, without reasons. A copyright is a right to allow or withhold permission, for any reason or no reason. Thus it was no violation of academic freedom for Kevorkian to withhold consent from me. It is possible that my reproduction would have been fair use—in which case UCLA's refusal would have compromised academic freedom.

<sup>23</sup> The American Association of University Professors of December 31, 1915 instructs that "the scholar has professional functions to perform in which appointing authorities have neither competency nor moral right to intervene. The responsibility of the university teacher is primarily to the public itself, and to the judgment of his own profession; and while, with

This weighty consideration had lost its charm. Due to economic reasons I was coerced to speak with Kevorkian's assistant and to explain my position on end-of-life issues, something I resented considerably, thinking that I need not explain anything as a precondition for including a certain reading on a seminar syllabus. For my part, I would have preferred to take out the chapter from the text book but, as said, this had financial consequences that the law school strongly resented. I was put in a situation where I had to cooperate against my will, and to accept a dictate that negated my academic freedom and my professional principles. Just imagine if all authors whose writings are included in syllabi were to contact teachers, asking them to explain their views on their writings and prevent teaching their material whenever they disapprove of the critique voiced against their views.

### III.1 *Internalized and Designated Coercion*

Moving from an individual case to a group case, inter and intra-cultural relationships pose further problems and dilemmas. When a given sub-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.<sup>24</sup> For example, if a religious sect denies rights and liberties to its female members, 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. It is further assumed that all members of that group conform to and abide by the particular conception of the good that guides and directs members of the said group. They 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. Outsiders may claim that an all-encompassing system of manipulation, rationalization, and legitimization is being utilized to make women accept their denial of rights. But in most cases this view may only be the view of outsiders, not of the persons concerned. If at all, one may argue that women of that sect are experiencing a form of coercion that could be called *internalized coercion*.

Difficulties arise when some women in the said cultural or religious group fail to internalize fully the system of norms that discriminates

respect to certain external conditions of his vocation, he accepts a responsibility to the authorities of the institution in which he serves, in the essentials of his professional activity his duty is to the wider public to which the institution itself is morally amenable." See <http://www.campus-watch.org/article/id/566>. For further discussion, see Post 2006.

<sup>24</sup> By "sub-culture" is meant a community with certain distinguishing cultural practices living within a liberal democracy. "Sub" relates only to its relative size compared to the larger community in which it resides.

against them. Upon realizing that they are being denied fundamental rights, they might wish—for instance—to opt out of their community. If they 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 them freedom to leave their community. Then threats of physical harm, perhaps of significant economic loss that would leave the woman or girl in question in a dependent situation, are used. I call this form of coercion—*designated coercion*. Unlike 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. Rawls does not elaborate on this form of coercion. Thus, for instance, there are Muslim communities in which female genital mutilation is practised and most of the girls in these communities grow to believe that this practice is essential for their integration as women in their communities. 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 it is, as part of their growing up. 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” (Davar 1997; Stern 1997; Gillia 1997; Liu 1998; Kelson 1998; Messito 1997–1998; Cohen-Almagor 1996; Mackie 1996; Webber and Schonfeld 2003). 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 third parties who seek defence and help to safeguard their basic human rights.

Another case in point is a Canadian case, *Hofer v. Hofer*, which dealt with the powers of the Hutterite Church over its members (*Hofer et al. v. Hofer et al.* [1970] 13 DLR [3d] 1). The Hutterites live in large agricultural communities called colonies, within which there is no private property. Members of the Hofer family, life-long members of a Hutterite colony were expelled for apostasy. They demanded their share of the colony’s assets, which they had helped create with their years of labor. When the colony refused, the two ex-members sued in court. They objected to the fact that they had “no right at any time in their life to leave the Colony where they are living unless they abandon literally everything [. . .] even the clothes they are wearing” (ibid., 21; for further discussion see Janzen 1990, 67). The Hutterites defended this practice on the grounds that freedom of religion protects a congregation’s ability to live in accordance with its religious doctrine, even if this limits individual freedom.

The Canadian Supreme Court in a six-to-one decision accepted this Hutterite claim. The majority opinion (Cartwright C. J. C., Martland, Judson, Ritchie, Hall, and Spence JJ.) did not regard this as a case in which the Court could be asked to relieve against a forfeiture, for by the terms of the articles signed by the Hutterite members, the appellant never had any individual ownership of any of the assets of the Colony. Cartwright C. J. C. added that the "principle of freedom of religion is not violated by an individual who agrees that if he abandons membership in a specified church he shall give up any claim to certain assets" (*Hofer et al. v. Hofer et al.* [1970] 13 DLR [3d] 4).

I, on the other hand, together with Will Kymlicka, think that Justice Pigeon was right in his dissent. Pigeon argued that the usual liberal notion of freedom of religion includes the right of each individual to change his religion at will. Hence churches cannot make rules having the effect of depriving their members of this fundamental freedom. The proper scope of religious authority is therefore limited to what is consistent with freedom of religion as properly understood, that is freedom for the individual not only to adopt a religion but also to abandon it at will. Pigeon thought that it was "as nearly impossible as can be" for people in a Hutterite sect to reject irreligious teachings, due to the high cost of changing their religion, and so were effectively deprived of freedom of religion (see *ibid.*, 21).

Justice Pigeon conveys the appropriate liberal presumption according to which people have a basic interest in their capacity to form and revise their conception of the good. Hence, the power of religious communities over their own members must be such that individuals can freely and effectively exercise that capacity (Kymlicka and Cohen-Almagor 2000; see also Barry 2001; Parekh 1999). If we accept this view, then we must interpret freedom of religion in terms of an individual's capacity to form and revise her religious beliefs.<sup>25</sup>

#### IV. Conclusion

Coercion yields one winner, at least for the short term. Compromise, on the other hand, if conducted in the genuine sense of the word, yields two winners. Coercion lasts as long as the powerful maintain power over the

<sup>25</sup> For another interesting case regarding the scope of tolerance at schools and whether it is possible to limit readings that challenge fundamentalist beliefs, see *Mozert v. Hawkins County Board of Education*, 579 F. Supp. 1051 (E. D. Tenn. 1984); 582 F. Supp. 201 (E. D. Tenn. 1984); 765 F.2d 76 (6th circ. 1985); 647 F. Supp. 1194 (E. D. Tenn. 1986); 827 F.2d 1058 (6th circ. 1987); 484 U.S. 1066 (1988); Stolzenberg 1993. In this context, see *Wisconsin v. Yoder*, 406 U.S. 205 (1972), where the Supreme Court exempted the Amish community from state compulsory education law, on the ground that the law interfered with the free exercise of their religion. For discussion of the Amish education system, see Hostetler 1993, 171–90.

opponent who—if she feels the coercion is unjustified and negates her best interest—will be looking for the right opportunity to regain autonomy. Compromise lasts as long as the parties communicate and maintain trust and good will between them. They need not feel that they sacrificed part of their autonomy.

The compromise process involves communication between the parties. It is a conscious process in which there is a degree of moral acknowledgement of the other party (Golding 1979, 16). Democracies are advised to enhance and promote civic education which includes discussions on the merits of tolerance, based on respect for others, and of compromise, based on mutual genuine concessions between different groups of society. At the same time, awareness regarding the “catch of democracy” is required, emphasizing that tolerance might not be the solution when faced with intolerant people who deny respect for others. Then, it might be the case that coercion will be required, suppressing intolerant conduct.

Democracies should also 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 basic human rights for all, the powerful as well as the powerless, for those who are able to take care of themselves and for those who are struggling to maintain their independence and autonomy.

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## References

- Airaksinen, Timo. 1988. *Ethics of Coercion and Authority*. Pittsburgh, PA: University of Pittsburgh Press.
- Anderson, Scott. 2002. *Coercion, Agents and Ethics*. Ph.D. dissertation. University of Chicago.
- Barron, Martin, and Michael Kimmel. 2000. Sexual Violence in Three Pornographic Media: Toward a Sociological Explanation. *Journal of Sex Research* 37: 161–68.
- Barry, Brian. 2001. *Culture and Equality*. Cambridge: Polity.
- Bellamy, Richard. 1999. *Liberalism and Pluralism*. London: Routledge.
- Carr, Craig L. 1988. Coercion and Freedom. *American Philosophical Quarterly* 25: 59–67.
- Carter, April. 1973. *Direct Action and Liberal Democracy*. London: Routledge & Kegan Paul.
- Cohen-Almagor, Raphael. 1996. Female Circumcision and Murder for Family Honour among Minorities in Israel. In *Nationalism, Minorities and Diasporas*:

- Identities and Rights in the Middle East*. Eds. K. Schulze, M. Stokes and C. Campbell, 171–87. London: I.B. Tauris.
- Cohen-Almagor, Raphael. 2001. *The Right to Die with Dignity: An Argument in Ethics, Medicine, and Law*. Piscataway, NJ.: Rutgers University Press.
- Cohen-Almagor, Raphael. 2002. Dutch Perspectives on Palliative Care in the Netherlands. *Issues in Law and Medicine* 18: 111–26.
- Cohen-Almagor, Raphael. 2006. *The Scope of Tolerance: Studies on the Costs of Free Expression and Freedom of the Press*. London: Routledge.
- Darwall, Stephen. 1977. Two Kinds of Respect. *Ethics* 88: 36–49.
- Davar, Binaifer A. 1997. Women: Female Genital Mutilation. *Texas Journal of Women & the Law* 6: 257–71.
- Dobel, Patrick. 1990. *Compromise and Political Action*. Savage, MD: Rowman and Littlefield.
- Dworkin, Andrea. 1981. *Pornography: Men Possessing Women*. London: The Women's Press.
- Dworkin, Andrea, and Catherine MacKinnon. 1993. Questions and Answers. In *Making Violence Sexy*. Ed. D. E. H. Russell, 78–96. New York NY: Columbia University Teachers College Press.
- Dworkin, Ronald. 1993. *Life's Dominion*. New York, NY: Knopf.
- Finnis, John. 1973. The Rights and Wrongs of Abortion. *Philosophy & Public Affairs* 2: 117–45.
- Gaylin, Willard, and Bruce Jennings. 1996. *The Perversion of Autonomy*. New York, NY: The Free Press.
- Gillia, Beth Ann. 1997. Female Genital Mutilation: A Form of Persecution. *New Mexico Law Review* 27: 579–614.
- Golding, Martin. 1979. The Nature of Compromise: A Preliminary Inquiry. In *Nomos XXI: Compromise in Ethics, Law and Politics*. Eds. J. R. Pennock and J. W. Chapman, 3–25. New York, NY: New York University Press.
- Gorr, Michael. 1986. Toward a Theory of Coercion. *Canadian Journal of Philosophy* 16: 383–406.
- Gutmann, Amy, and Dennis Thompson. 1996. *Democracy and Disagreement*. Cambridge, MA: Belknap.
- Held, Virginia. 1972. Coercion and Coercive Offers. In *Nomos XIV: Coercion*. Eds. J. R. Pennock and J. W. Chapman, 49–62. Chicago, IL: Aldine-Atherton.
- Hostetler, John A. 1993. *Amish Society*. Baltimore, MD: Johns Hopkins University Press.
- Janzen, William. 1990. *Limits of Liberty: The Experiences of Mennonite, Hutterite, and Doukhobour Communities in Canada*. Toronto: University of Toronto Press.
- Kelson, Gregory A. 1998. Female Circumcision in the Modern Age: Should Female Circumcision now Be Considered Grounds for Asylum in the United States? *Buffalo Human Rights Law Review* 4: 185–209.
- Kevorkian, Jack. 1991. *Prescription: Medici*. Buffalo, NY: Prometheus Books.
- Kuflik, Arthur. 1979. Morality and Compromise. In *Nomos XXI: Compromise in Ethics, Law and Politics*. Eds. J. R. Pennock and J. W. Chapman, 38–65. New York, NY: New York University Press.
- Kymlicka, Will, and Raphael Cohen-Almagor. 2000. Democracy and Multiculturalism. In *Challenges to Democracy: Essays in Honour and Memory of Isaiah Berlin*. Ed. R. Cohen-Almagor, 89–118. London: Ashgate.
- Liu, Joanne A. 1998. When Law and Culture Clash: Female Genital Mutilation, A Traditional Practice Gaining Recognition as a Global Concern. *New York International Law Review* 11: 71–95.

- Mackie, Gerry. 1996. Ending Footbinding and Infibulation: A Convention Account. *American Sociological Review* 61: 999–1017.
- MacKinnon, Catharine. 1987. *Feminism Unmodified*. Cambridge, MA: Harvard University Press.
- MacKinnon, Catharine. 1993. *Only Words*. Cambridge, MA: Harvard University Press.
- May, Simon Căbulea. 2005. Principled Compromise and the Abortion Controversy. *Philosophy & Public Affairs* 33: 317–48.
- McCloskey, H. J. 1980. Coercion: Its Nature and Significance. *Southern Journal of Philosophy* 18: 335–52.
- McIntosh, Mary, and Lynn Segal, eds. 1992. *Sex Exposed*. New Brunswick, NJ: Rutgers University Press.
- Messito, Carol M. 1997–1998. Regulating Rites: Legal Responses to Female Genital Mutilation in the West. *In the Public Interest* 16: 33–77.
- Murray, Michael J., and David F. Dudrick. 1995. Are Coerced Acts Free? *American Philosophical Quarterly* 32: 118–23.
- Nozick, Robert. 1969. Coercion. In *Philosophy, Science, and Method: Essays in Honor of Ernest Nagel*. Eds. S. Morgenbesser, P. Suppes, and M. White, 440–72. New York, NY: St. Martin's Press.
- Parekh, Bhikhu. 1999. The Logic of Intercultural Evaluation. In *Tolerance, Identity and Difference*. Eds. J. Horton and S. Mendus, 163–97. Houndmills: Macmillan.
- Post, Robert. 2006. The Structure of Academic Freedom. In *Academic Freedom after September 11*. Ed. B. Doumani, 61–106. New York, NY: Zone Books.
- Richards, David A. J. 1977. *The Moral Criticism of Law*. Encino, CA: Dickenson.
- Ripstein, Arthur. 2004. Authority and Coercion. *Philosophy & Public Affairs* 32: 2–35.
- Ryan, Cheyney C. 1980. The Normative Concept of Coercion. *Mind* 89: 481–98.
- Sabatier, Paul A., and Hank C. Jenkins-Smith, eds. 1993. *Policy Change and Learning*. Boulder, CO: Westview.
- Scanlon, T. M. 2003. *The Difficulty of Tolerance*. Cambridge: Cambridge University Press.
- Schaeffer, Denise. 2001. Feminism and Liberalism Reconsidered: The Case of Catharine MacKinnon. *American Political Science Review* 95: 699–708.
- Schellenberg, James A. 1996. *Conflict Resolution*. Albany, NY: State University of New York Press.
- Smolla, Rod. 1999. *Deliberate Intent*. New York, NY: Crown.
- Steiner, Hillel. 1994. *Essay on Rights*. Oxford: Blackwell.
- Stern, Amy. 1997. Female Genital Mutilation: United States Asylum Laws Are in Need of Reform. *American University Journal of Gender & the Law* 6: 89–111.
- Stolzenberg, Nomi Maya. 1993. 'He Drew a Circle That Shut Me Out': Assimilation, Indoctrination, and the Paradox of a Liberal Education. *Harvard Law Review* 106: 581–667.
- Sumner, L. Wayne. 1974. Toward a Credible View of Abortion. *Canadian Journal of Philosophy* 4: 163–81.
- Thomson, Judith Jarvis. 1971. A Defense of Abortion. *Philosophy & Public Affairs* 1: 47–66.
- Webber, Sarah and Toby Schonfeld 2003. Cutting History, Cutting Culture: Female Circumcision in the United States. *American Journal of Bioethics* 3: 65–6.
- Weinstein, Michael A. 1972. Coercion, Space, and the Modes of Human Domination. In *Nomos XIV: Coercion*. Eds. J. R. Pennock and J. W. Chapman, 63–80. Chicago, IL: Aldine-Atherton.

- Wertheimer, Alan. 1987. *Coercion*. Princeton: Princeton University Press.
- Wertheimer, Roger. 1973. Understanding the Abortion Argument. *Philosophy & Public Affairs* 2: 67–95.
- Wolff, Robert Paul. 1972. Is Coercion 'Ethically Neutral'? In *Nomos XIV: Coercion*. Eds. J. R. Pennock and J. W. Chapman, 144–48. Chicago, IL: Aldine-Atherton.