

The Concept of Acquiescence

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Suppose a police car gives chase to some violent criminals, putting innocent bystanders at risk. The criminals have not threatened the police in any way; so we would not normally say that the police have been *coerced* into chasing.¹ Nor are the police merely responding to natural circumstances, so they are not acting under *necessity*, in the usual sense. The case is different from one in which an ambulance speeds to hospital, putting innocent bystanders at risk, because the reason for the police speeding has to do with the unreasonable behaviour of others. Yet that unreasonable behaviour does not constitute threatening behaviour. How then should we describe what happened?

The police are faced with a choice in regrettable circumstances, which have been shaped by the *non-threatening* but *unreasonable* behaviour of others. This is a common kind of second-best circumstance, affecting many personal and political decisions. But it seems to fall between cases of coercion and duress on one hand, which involve threats, and cases of necessity on the other, which have natural causes.² In this article I propose a definition of the concept of *acquiescence* which is intended to cover these residual cases, as well as cases of accession to coercion (and duress). This concept has so far received very little attention. As understood here, it is a more general concept than that of coercion. Cases of coercion can be understood as cases of acquiescence with the special feature that the actor was threatened. The point of introducing the concept of acquiescence is to extend our vocabulary for describing second-best cases, in which an actor is faced with a regrettable choice situation. This may help us to understand better the circumstances in which the responsibility of those who make choices in second-best circumstances is impaired, or defeated altogether.

I shall begin with a brief discussion of the concepts of coercion, duress, and necessity. These concepts have received a great deal of attention, and the core meaning of them is fairly well understood and agreed. In Section II I shall define the concept of acquiescence, and discuss some of the theoretical issues raised by

¹On coercion see Frankfurt 1988; Nozick 1972; Steiner 1974–75; Steiner 1994; Wertheimer 1987. Assume that the police officers live in a just society and identify with their role: they are not coerced into chasing by their superiors (or by anyone else).

²On necessity and duress see Ashworth 1991; Birks 1985; Cope 1985; Elliott 1991; Halson 1991; McCall-Smith 1975; Richards 1987; Uniacke 1989; Wallace 1994. I will later argue that we should not restrict the concept of necessity to cases in which the regrettable circumstances have entirely natural causes; but even on this broadened understanding, the police chase case is not a case of acting under necessity.

the definition. Section III discusses some non-standard cases of acquiescence. Finally, Section IV discusses the significance of acquiescence for the responsibility of actors making choices in regrettable circumstances.

I. COERCION, DURESS AND NECESSITY

A person's responsibility may be undermined because she faces a *regrettable choice situation*. For example, she may face a choice between her money and her life, or between signing a false confession and being tortured. This is not the only cause of diminished responsibility, of course. Responsibility may be diminished by impoverished or manipulated information, or by mental abnormality, or by acting out of obedience to authority. But one type of cause of diminished responsibility is being faced with a regrettable choice situation. The regrettable features of this situation may undermine the freedom of a choice made in it, in a sense which undermines responsibility.

Although this fact is very familiar, our vocabulary for describing this cause of diminished responsibility is seriously incomplete. The core of our existing vocabulary is made up of the concepts of *coercion*, *duress*, and *necessity*.³ Whilst these concepts are fairly well understood, and much discussed, they describe only some of the cases in which responsibility may be undermined by a regrettable choice situation. In this section I shall try to show exactly what the deficiency is, and in the remainder of this article I will argue that the deficiency could be remedied by a suitably defined concept of acquiescence. It will be useful to have some terminology. I shall describe mainly two-person cases, and I shall refer to the person who faces the regrettable choice situation, and whose responsibility may thus be undermined, as *the actor*. Where the choice situation is caused or influenced by the behaviour of some other person, I shall refer to that person as *the other person*.

There is a strategic issue in the background of discussions of coercion and duress, which has to do with the connection between coercion and involuntariness or lack of responsibility.⁴ The issue is whether or not to define coercion in such a way that it is logically necessary that a person who is coerced into doing *P* does *P* involuntarily, and so lacks responsibility for *P*. Making

³Of course, some other concepts describe what I have called regrettable choice situations, but I am not aware of any which are commonly used to describe such situations and which do not have quite specialised and contextual meanings. For example, the legal concept of *intimidation* describes a kind of regrettable choice situation, but involves certain specialised connotations—such as that the threatened action must be unlawful or 'legally unjustifiable'. I believe that the same is true of the other concepts which might be cited, such as *blackmail* and *undue influence*, for example. For basic definitions of these concepts, see Walker 1980; Ballentine 1969. (As I shall explain later, the concepts of duress and necessity likewise have some specialised connotations; but against this they are quite widely used outside of legal contexts.) I am grateful here for the comments of an anonymous reviewer.

⁴I shall assume that voluntariness is necessary for moral responsibility. Therefore, if the nature of an actor's choices makes her action involuntary, it follows that she lacks responsibility for her action. Voluntariness may or may not be sufficient for responsibility.

involuntariness part of the definition of being coerced has the advantage that it is clear that any case which satisfies the definition is one in which responsibility is defeated. This way of defining coercion leaves it with straightforward implications with respect to responsibility. The disadvantage, of course, is that it is not obvious that the concept of coercion, defined in this way, will refer to any recognisable *type* of situation. The alternative strategy is to define coercion in terms of a certain type of situation, and to leave it open whether or not all cases of coercion defeat responsibility—to leave it, that is, as a matter to be investigated subsequently. The advantages and disadvantages of this strategy complement those of the other one: it is clear that coercion refers to a recognisable type of situation, but the implications of coercion for responsibility are not immediately clear.

To some extent it is a matter of theoretical taste whether one distributes the complexity on the descriptive side of the concept or instead on the side of its moral significance.⁵ The choice has some implications also for the way we are likely to define duress. Thus Frankfurt, for example, defines coercion on the first strategy as necessarily defeating responsibility, and as a result he uses ‘duress’ to describe the use of threats in general. He writes,

A person who is coerced is *compelled* to do what he does. He has *no choice* but to do it. This is at least part of what is essential if coercion is to relieve its victim of moral responsibility... [But it is not] true that a person bears no moral responsibility for what he has done just because he does it in submission to a threat. Such a person may be described as acting ‘under duress’; but not all duress is coercion.⁶

On this view duress is the more general concept and coercion the more specific. In contrast, the other strategy tends to yield the view that duress is a species of coercion. For the most common way of defining coercion in terms of a certain type of situation is to say that it is the use of threats to get someone to do what she otherwise would not have done; and the best use of the word ‘duress’ is then to name the specific type of coercion which satisfies certain extra conditions, which derive from legal doctrines about the defence of duress.⁷

⁵This is to put the contrast a little too starkly, perhaps: those who define coercion as responsibility-defeating no doubt have some descriptive constraints in mind; and those who define it in terms of a certain type of situation no doubt expect that some cases of coercion, at least, will defeat responsibility. But the difference of emphasis generates recognisably distinct strategies.

⁶Frankfurt 1988, pp. 36–7, emphasis in the original. Frankfurt recognises that ‘coercion’ does not always convey lack of responsibility (see pp. 26–7); but he defines the kind of coercion he is interested in as defeating responsibility, and later relies on this connection in his argument—as the quoted passage shows.

⁷See for example Ashworth 1991, pp. 195–200. Duress seems to be little discussed by moral philosophers. One exception is Wallace 1994, pp. 143–7. Wallace adopts what appears to be the opposite conceptual ordering to the one I propose, treating coercion as a species of duress (p. 146). But this is because he means to include ‘duress of circumstances’ (necessity) in that categorisation. On that interpretation coercion is the more specific concept. However, when I say that duress is a species of coercion, I refer to duress *per minas*, that is, duress involving threats from another. On this interpretation, it makes sense to say that duress is a species of coercion, since duress (*per minas*) is a technical concept, which involves legal conditions not common to cases of coercion more generally.

Since my argument is that the nature of an actor's choice situation can defeat her responsibility even if she is not threatened, the second strategy is more suitable than the first. My aim is to improve our vocabulary for describing regrettable (and potentially responsibility-defeating) choice situations, and that is best served by naming different types of choice situation, not by using 'coercion' to refer to all and only those choice situations which defeat responsibility, whatever their character. On this view the connection between coercion, duress, and other concepts describing regrettable choice situations on one hand, and involuntariness or lack of responsibility on the other, is not a matter of definition, but instead something to be investigated once we have some other definition of the concepts.

With this strategy in mind, *coercion* may be defined as the use of threats to get the actor (the coerced) to do something he would not otherwise have done.⁸ This method of getting someone to do something may be contrasted with various other methods, such as the use of persuasion, offers, manipulation, or authority. It is also, perhaps more controversially, to be contrasted with the use of what might be called *pure force*.⁹ Now it is true that force may be used to coerce somebody. You wring my arm until I give up the secret. But in this kind of coercion the operative mechanism is really the implied threat to continue causing the pain. We can see this by noticing that your influence on my behaviour is contingent on my having a certain kind of mental attitude: the prospect of continued pain induces me to comply. This is to be distinguished from cases where the operative mechanism bypasses the actor's psyche altogether, as when you physically prevent me from entering a certain building. This mechanism is not contingent on any particular mental attitude on my part: no matter what my attitude, your strength prevents me from entering. I suggest that the distinction is profitably marked by insisting that the psychological component (however it is subsequently defined) is essential to coercion, and by using the concept of *force* to describe the other kind of case. So although there is a sense in which the use of force may count as coercion or duress, it would be wrong to conclude that the use of pure physical force is a species of coercion.

As with the use of offers, the method of coercion relies on at least partial knowledge of the actor's preferences, and the ability to affect the nature of the actor's options. How then does the use of threats (coercion) differ from the use of offers? Threats and offers alike are kinds of intervention, which, in simple cases, leave an actor with a choice between two outcomes, one of which is more attractive than the other. We cannot distinguish threats from offers by looking at the magnitude of the difference in attractiveness between the outcomes available

⁸Some have suggested that offers as well as threats may be coercive. Here I stipulate that they cannot; but of course I leave it open whether offers can defeat responsibility (see note 21 below). On the idea of coercive offers, see Nozick 1972, p. 118; Wertheimer 1987, ch. 13.

⁹Some writers are willing to use the concepts of coercion and duress to describe the *use*, as opposed to the *threat*, of physical force. For example, see Uniacke 1989, p. 54. I explain in the text what I take to be correct in that view.

to the actor. The difference between acceding and not acceding to a threat, in terms of the value to the actor of the outcomes, may be large or small; and the same goes for offers. Many writers propose instead to distinguish threats and offers by reference to some *baseline outcome*. A threat presents the actor with a choice between two outcomes (in simple cases), both of which are below the baseline; whilst an offer presents a choice between one outcome on the baseline, and one above it (if the offer is well judged).¹⁰ A highwayman is said to have *threatened* a traveller, for example, because neither of the outcomes open to the actor (retain life but not money, or retain neither money nor life) is as attractive as a relevant baseline outcome (which, we may suppose, is *retain both life and money*). In contrast, if I *offer* to sell you a car, I present you with a choice between two outcomes: not having the car, but spending no money (which we may suppose is the relevant baseline); and spending the money, but getting a car (which, if my offer is well judged, is more attractive than the baseline). Hence, of the two outcomes between which you must choose, one defines (and so is on) the baseline, and one is above it.

Perhaps the most important question in the analysis of coercion is how the relevant baseline should be specified. The two candidates are: what would usually happen, and what is morally required.¹¹ Clearly, when what usually happens is not what is morally required, as in unjust societies, it matters a great deal which understanding of the baseline we use. Our choice of baseline may determine whether or not an intervention appears to be a threat or an offer, and so whether or not it appears to be coercive. One of the most controversial political questions regarding coercion, for example, is whether certain kinds of labour-market ‘offer’ are coercive.¹² Our view of this may turn on whether or not we think that the appropriate baseline is morally-defined: if so, we may conclude that a low wage ‘offer’, for example, is really a coercive threat, since it presents the actor with two options, both of which fall below the baseline (work at an unfair price, or do not work and receive no income).¹³

Using threats to influence behaviour sometimes, but not always, defeats the responsibility of the actor. What candidates are there, amongst the features of coercion, which could explain why responsibility is sometimes defeated? Here I want to get a clear view of the possible explanations, rather than proceeding directly to look for the most plausible one; and I want to emphasise that we may

¹⁰Wertheimer 1987, p. 204; Steiner 1974–75, pp. 38–9; Steiner 1994, p. 24. Note that Wertheimer defines threats differently than Steiner defines them. Steiner defines a threat as an intervention such that accession and refusal *both* are worse than the baseline (Steiner 1994, p. 24); Wertheimer defines it such that *refusal* is worse than the baseline (Wertheimer 1987, p. 204). So what counts as a ‘thorffer’ on Steiner’s view is a threat on Wertheimer’s view.

¹¹See Nozick 1972, pp. 112–16; Wertheimer 1987, pp. 206f.

¹²On this issue see for example Zimmerman 1981.

¹³Serena Olsaretti suggests persuasively that these issues are often better dealt with in terms of an account of voluntary choice, rather than an account of coercion. The real concern, she claims, is with voluntariness; concern with coerciveness is a potentially misleading intermediary. See Olsaretti 1998, p. 75.

focus on several different features. Consider an actor who is faced with a threat which is such that she has two options. We might distinguish at least the following five features of her situation:

- (i) one of her options is more attractive than the other (relative attractiveness);
- (ii) both options fail to meet some standard (absolute attractiveness);
- (iii) her circumstances are caused by the behaviour of someone else;
- (iv) her circumstances are caused by the unreasonable behaviour of someone else;
- (v) her circumstances are caused by the threatening behaviour of someone else.

The first two of these features concern what might be called the *choice conditions* of the actor's situation; the other three features concern what might be called the *causal conditions* of her situation. An account of coercion, duress, or necessity may emphasise either one of the choice conditions (or both), generating different views of the significance of the concept. If the first condition is emphasised, the argument is likely to be that the actor's responsibility is compromised by the psychological difficulty of resisting the better option. If the second condition is emphasised, the claim may be that the actor is responsible but the action is justified; or it may be that the actor is not responsible because she has been treated unfairly. I shall come back to these issues later, but for the moment consider how the concepts of duress and necessity combine various conditions.

As I have said, on the current theoretical strategy, duress is best considered as a species of coercion. How then does it differ from ordinary coercion? It arises as a legal defence in two main contexts: in criminal law and in the law of restitution. In the former, one requirement of the defence of duress is that the threat involved must be such that a reasonable person could not withstand it.¹⁴ (This has come to replace earlier requirements, that the threatened harm must be to life or limb, not to property or emotions, and must be 'immediate'.) One restriction, which has been somewhat controversial, is that the defence of duress cannot excuse murder, for either principal or accomplice.¹⁵ In the law of restitution, the claim of duress arises in disputes over the fulfilment of contractual obligations, and the aim of the law is to define the claim of duress so as to restrain opportunism and extortion whilst allowing contractual modification in the light of unexpected circumstances.¹⁶ Thus these two contexts give rise to special considerations which ensure that some cases of coercion do not qualify as cases of duress. But as with coercion, emphasis may be placed on the difference in relative attractiveness between the actor's options, or on the fact that both fail to meet some standard, or on both of these features (where both are present).

¹⁴See Ashworth 1991, p. 195; Wertheimer 1987, pp. 152–3.

¹⁵See Wertheimer 1987, pp. 155–8; Ashworth 1991, pp. 199–200, 246; McCall-Smith 1975, p. 267; Uniacke 1989, pp. 53–69.

¹⁶See Halson 1991, pp. 649–78.

Now consider necessity. This concept is usually distinguished from coercion (and duress) in terms of feature (iii): that is to say, in terms of the causes of the regrettable choice situation, rather than the structure of that situation *vis-à-vis* the actor's preferences. Cases of coercion and duress involve the actor's choice situation being degraded by the behaviour of someone else, whereas cases of necessity, on the usual understanding, involve the actor's choice situation being degraded by *natural causes*.¹⁷ I shall argue shortly that this definition should be broadened somewhat, to cover some cases in which the circumstances are caused by the reasonable behaviour of others. However, for the moment I simply want to draw attention to the fact that necessity differs from duress and coercion only in the causal conditions of the choice situation, not essentially in the conditions relating to the nature of the choice facing the actor. This is worth pointing out because traditionally it was thought by the courts that necessity and duress had quite different effects on the actor's responsibility. It was thought that necessity could only ever justify an action, not show that the actor was not responsible for it; and the opposite was thought about duress. But this strong asymmetry is difficult to maintain on the basis of causal conditions alone.¹⁸

Now let me try to show the incompleteness of the core vocabulary of coercion, duress, and necessity for describing cases in which the actor's responsibility is compromised by the nature of her choices. Define a *regrettable choice situation* as one characterised by feature (i), or feature (ii), or by both of these features. The distinctions between the concepts of coercion and necessity, and duress and necessity, have to do with the causes of the actor's regrettable choice situation. Moreover the causal conditions are not independent of each other, so we can narrow the range of possible combinations. Most obviously, (iv) entails (iii), and (v) entails (iii). But we can also make the assumption that (v) entails (iv). That is, it makes sense to assume that threatening behaviour is always unreasonable behaviour, in at least one sense of 'unreasonable'.¹⁹ Hence we can divide circumstances of regrettable choice according to their causal conditions as follows:

¹⁷See Ashworth 1991, pp. 192–4.

¹⁸Several writers have pointed out that the traditional view is difficult to sustain. See for example Ashworth 1991, pp. 192–5, Sistare 1989, pp. 37–8, Feinberg 1986, p. 394, n. 13, and Uniacke 1989, pp. 59–67. Wertheimer makes a similar point at the start of his chapter on duress and necessity (1987, p. 146); but by the end (pp. 165–9), he has replaced the standard mapping (natural causes–justification, personal causes–excuse), with another which appears just as unstable (natural causes–agent-neutral justification, personal causes–agent-relative justification). The correlation between natural causes and agent-neutrality, and personal causes and agent-relativity, is no more obvious than the traditional legal correlation between circumstances and justification, and threats and excuses.

¹⁹It is always unreasonable from the point of view of the person subject to the threat: either the required behaviour itself will appear unreasonable, or the use of a threat to induce that behaviour will seem unreasonable. The sense of 'unreasonable' which is relevant to acquiescence is discussed below, Section II. If we should decide that it is possible for a threat to be reasonable, in the relevant sense, then we should add a fifth category of regrettable choice situation: *Type 1'*, which is caused by another person's threatening but reasonable behaviour. Although this would make the discussion more complicated, I do not think it would seriously undermine my argument; hence I shall not consider this issue further here.

Table 1. *Regrettable choice situations distinguished according to cause*

<i>Type</i>	<i>Cause of regrettable choice situation</i>
1	Another person's unreasonable and threatening behaviour
2	Another person's unreasonable but not threatening behaviour
3	Another person's reasonable behaviour
4	No other person's behaviour

Notice that the concepts of coercion, duress, and necessity, as commonly defined, describe only two of these four types of regrettable choice situation. The concepts of coercion and duress describe situations of Type 1, in which the actor's choice situation is caused by a threat. The concept of necessity describes situations of Type 4, in which the actor's choice situation has natural causes.²⁰ Cases of Types 2 and 3, in which the actor's choice situation is caused either by the reasonable behaviour, or by the unreasonable but non-threatening behaviour, of another person, are not covered by our core vocabulary for describing this kind of cause of diminished responsibility. (Some cases of Type 3 are covered by the concept of *making offers*; but many ways of reasonably causing someone to have a regrettable choice situation do not involve making offers.)²¹

Here is how we can make good the deficiency. We can extend the concept of necessity to cover some cases of Type 3 in addition to Type 4, to allow that cases of necessity may have causes in the reasonable behaviour of others, as well as natural causes. This makes sense anyhow, as it is often artificial to say that the cases we want to describe as cases of necessity have purely natural causes. This is just a special case of the general problem of distinguishing a class of events which have only natural causes, especially when omitting to act is allowed to count as a kind of causation. No doubt some events do have purely natural causes—perhaps the eruption of a volcano is an example—but the concept of necessity would be unduly narrow if restricted to only *these*. Suppose someone steals a loaf of bread to feed his starving children. His regrettable choice situation—steal or starve—has not been caused by the threats of anyone else; and it may not have been caused by the unreasonable behaviour of anyone else (perhaps there is a general food shortage, and everyone is reasonably looking after their own). This is the kind of case we would expect the concept of necessity to describe: the actor is faced with a choice between two evils, which putatively justifies what would

²⁰Not all situations of Type 4 will be cases of necessity: the actor's regrettable choice situation may be caused by *herself*. Some of these cases will be described by the concept of acquiescence, applied intrapersonally: see Section III below.

²¹It may seem odd to say that making someone an offer can cause him to be in a regrettable choice situation. But this follows from agnosticism about whether feature (i) is sufficient to constitute a regrettable choice situation. Some have thought (in effect) that it is, and that offers can undermine responsibility. For example, see Frankfurt 1988, pp. 41–2.

otherwise be wrong. But it is very artificial to insist that his situation has only natural causes. No doubt many acts and omissions on the part of others, perhaps all quite reasonable, were among the causes. So we should allow that someone may be faced with a situation characterised by necessity when the causes of that situation include the reasonable (and non-offering) behaviour of others.

That leaves situations of Type 2. In these cases, the actor faces a regrettable choice situation which has been caused by the unreasonable but non-threatening behaviour of others. This must be a very common kind of case. The line between cases of this type, and cases of Type 3, will of course depend on how we define the relevant sense of 'unreasonable'. But however we define that, much unreasonable behaviour is not threatening, because it does not satisfy the special conditions having to do with intentions which threats involve.²² Suppose for example that the actor lives in a society in which workers have none of the usual legal rights, and in which there are no welfare benefits. Suppose also that these working arrangements are *unreasonable*. But our actor is not threatened or intimidated by her employer: he has no particular interest or regard in her or even awareness of her; these arrangements are perfectly standard in this society, and are not at all aimed specifically at her. But on the face of it her responsibility for accepting these arrangements could well be impaired by the circumstances in which she makes the choice. We should like to include such cases amongst the range of cases in which a regrettable choice situation can undermine responsibility: but the actor is not coerced or subject to duress, and neither does she act out of necessity.

The concept of acquiescence which I shall define in the next section is intended to describe such cases, in which the actor's responsibility may be undermined because she faces a regrettable choice situation caused by the unreasonable but non-threatening behaviour of another person. In fact it is intended to cover cases of coercion and duress also, on the supposition that it is possible to acquiesce in threats. We can clarify the place of the concept of acquiescence, and some of the distinctions discussed in this section, by means of the following diagram.

The concept of acquiescence, thus defined, would be a more general concept than either coercion or duress, accession to each of which would be a specific form of acquiescence. And of course we would have to investigate the significance of each of these concepts for attributions of responsibility (which I shall address in Section IV below). But at least we would have a more complete vocabulary for describing regrettable choice situations. I turn now to define the concept of acquiescence with this role in mind.

²²On the conditions for being a threat, see Nozick 1972, pp. 102–9 especially; Frankfurt 1988, pp. 27–36.

Table 2. Typology of regrettable choice situations showing the role of the concept of acquiescence

Explanation of regrettable circumstances	Natural causes	Other agents' behaviour		
		Reasonable	Unreasonable	
	Necessity	Offer	Non-threat	Threat
			Acquiescence	
			Coercion Duress	

II. ACQUIESCENCE DEFINED

The definition of acquiescence offered here is intended to chime with ordinary usage, but I do not claim that it is an accurate distillation of all the ways in which the word *acquiescence* is ordinarily used. Thus, for example, we can put aside the sense of acquiescence according to which to acquiesce is simply to agree or to comply, with no connotation to the effect that the circumstances of agreement are in any way regrettable. We use the term this way when we say that Jones acquiesced in Smith's request to post the letter; nothing remarkable is communicated by this use of the term, and we may substitute 'agree' or 'comply' without loss of meaning. Instead I aim to define a concept which serves the theoretical function of describing, in a way which brings out their salient features, those regrettable choice situations which are caused by unreasonable behaviour. In short, the analysis is constrained more by theoretical interests than by linguistic facts.²³ The linguistic constraint is the rather weak one that the choice of 'acquiescence' to name the concept defined here should not appear arbitrary.

As I have indicated, the concept of acquiescence is intended to add to our vocabulary for describing regrettable choice situations. But there may seem to be an important asymmetry between acquiescence on one hand and coercion on the other. The former seems to focus on the reaction of the *actor* to her circumstances, whilst the latter seems to focus on the role of the *other person*

²³In earlier versions of this material I claimed that the account of acquiescence which I gave closely reflected ordinary usage. But I have been persuaded, by the comments of several anonymous referees and others, that my linguistic intuitions about acquiescence are not entirely typical. Hence I now place more emphasis on the theoretical function served by the concept defined here. I am grateful for the comments of the referees and others on this point.

in causing those circumstances.²⁴ There is some truth in this; but I take it that both concepts really focus on the relationship between these agents. It is impossible to understand either coercion or acquiescence by examining the behaviour or reaction of only one party: coercion does not consist only in the issuing of threats, but also in their being acted upon; and acquiescence does not consist only of some particular reaction on the part of the actor, but of a reaction in a certain kind of circumstance which the other agent has had a hand in shaping. So I understand the concept of acquiescence, along with the concepts of coercion and duress, to describe the relationship which exists between two or more parties.²⁵ The concepts of duress and coercion describe a sub-class of such relationships.

The idea to be clarified here, then, is that acquiescence (in the interesting, potentially responsibility-compromising sense) consists of a certain kind of response to unreasonableness on the part of others.²⁶ Unreasonableness is involved in coercion and duress, but it extends to other kinds of case as well. Someone may be seriously unreasonable, with serious responsibility-limiting effects on one's circumstances of choice, without fulfilling the special conditions necessary to have coerced or to have exerted duress. On the other hand, not just any unreasonableness limits responsibility. We want to distinguish cases of acquiescence from cases in which the actor is simply frustrated that others do not behave in the way which would benefit her the most. My responsibility is not usually compromised when I simply adjust my actions to the reasonable, but (for my purposes) sub-optimal behaviour of others. But it may well be compromised when I adjust myself to behaviour on the part of others which is, in some relevant sense, unreasonable.

I propose the following conditions as individually necessary and jointly sufficient for acquiescence. An actor acquiesces if and only if she faces a choice in which there are three outcomes, X, Y, and Z, such that:

- (a) X is possible but unavailable to the actor, while Y and Z are both available, and so also possible;
- (b) the actor prefers X to Y and Y to Z;
- (c) X is unavailable because of the intentions of another person;
- (d) in making X unavailable, those intentions are unreasonable;²⁷

²⁴I am grateful for the comments of one anonymous reviewer at this point.

²⁵In most of this article I concentrate on two-person cases. Of course, cases of acquiescence, like cases of coercion and duress, may involve *more* than two people; but they may also involve *less* than two people. I discuss the possibility of *intrapersonal* and *impersonal* acquiescence in Section III below.

²⁶I do not acquiesce if I would have behaved in the same way whether or not the other person was being unreasonable. In such a case, the other person's unreasonableness forms part of the context of my action, but I do not act in response to his unreasonableness.

²⁷I am grateful to an anonymous reviewer for pointing out the necessity of the first clause in this condition, which serves to exclude those intentions which are unreasonable on grounds which are completely unconnected to the actor's evaluation of her options.

- (e) performing *Y* is compatible with those intentions;
- (f) and the actor chooses *Y* at least partly because of those intentions.

These conditions are stated using some technical terms. Roughly speaking, an outcome is *available* to an actor if it is within her causal powers to bring it about; and it is *possible* for her if it is within the causal powers of some relevant group of which she is a member to bring it about. I shall explain this in further detail shortly, and also comment on what is meant by ‘unreasonable’. First however let me illustrate the definition with reference to the example of the police chase with which we began.

The actor in this case is the driver of the police car. Let the outcome (which is not in prospect) in which the criminals are apprehended without endangering bystanders, be called *X*. Let the outcome (which is in prospect, should the actor choose it) in which the criminals are apprehended at the cost of endangering bystanders, be called *Y*. And let the outcome (which is in prospect, should the actor choose it) in which the criminals are not apprehended, and the bystanders are not endangered, be called *Z*. Suppose the driver prefers *X* to *Y* and *Y* to *Z*, and so gives chase (since there is no prospect of *X*, no matter what the driver chooses). Because of these facts, and the special meaning of ‘possible’ and ‘available’, conditions (a) and (b) are both satisfied. Condition (c) is satisfied because it is the fact that the criminals are willing to risk a dangerous car chase in order to escape which explains why they will not be apprehended without danger to bystanders. We can suppose that this intention not to be apprehended is unreasonable in the relevant sense (on which more shortly), so condition (d) is satisfied too. Although the criminals do not intend for the police to give chase, and may well hope that they will not, it is not contrary to the criminals’ intention (to risk a chase if necessary) for the police to give chase; so condition (e) is satisfied too. Finally, it is because the criminals have this intention, and not for the sheer joy of speed (we may assume), that the police give chase, so condition (f) is satisfied. Hence in giving chase the police acquiesce in the criminals’ behaviour and evident intentions.

Now let me explain how these conditions relate to the analysis of types of regrettable choice situation which was given in the previous section. Conditions (a) and (b) describe the actor’s options and her preferences, and show why her choice situation is regrettable. Condition (b) is a version of feature (ii) of regrettable choice situations, which says that both available outcomes fall below some standard—where the standard here is provided by outcome *X*.²⁸ Conditions (c) and (d) are versions of what were earlier called causal conditions: they explain why the actor faces the choice she does; in particular, they explain her regrettable

²⁸The conditions given here do not specify that the actor must have a *strong* preference for *Y* over *Z*. (Cf. Zimmerman 1981, pp. 124–5.) I shall come back to the issue of relative attractiveness when I discuss the significance of acquiescence for responsibility in Section IV, however.

choice situation as being the result of the other person's unreasonable intentions.²⁹ Conditions (e) and (f), on the other hand, describe the reaction which is necessary, on the part of the actor, for her choice of *Y* to count as acquiescence. They specify that she must make her choice in part because the most preferred outcome (*X*) has been made unavailable by the other person's intentions, and that the choice of *Y* must be compatible with those intentions.³⁰ In specifying a certain kind of *reaction*, these latter conditions of course go beyond our earlier typology of features of *choice situations*.

In what sense is the word 'unreasonable' used in condition (d)? Some condition like this is necessary to distinguish cases of acquiescence from cases in which we merely feel frustration that someone else does not act as we would wish (as might happen, for example, in cases of necessity, on the broad interpretation proposed earlier). But in what sense must the other person's intentions be unreasonable, for acquiescence to be possible? To answer this question we must keep in mind the theoretical role of the concept of acquiescence. Its role is to describe regrettable choice situations, on the supposition that such situations may undermine the actor's responsibility. Therefore we want to identify a sense of unreasonableness which is such that there is a *prima facie* connection between the other person being unreasonable and the actor lacking responsibility. There does not appear to be any such connection if we understand 'unreasonable' to mean *irrational*, in the narrow (and demanding) sense that his beliefs are contradictory, or his behaviour unintelligible. This kind of irrationality may well compromise the *other person's* responsibility, but we would not expect it to compromise the responsibility of those agents he interacts with.

Instead the relevant sense of 'unreasonable' seems to involve the idea of *unfairness* or *wrongness*.³¹ To have unreasonable intentions in this sense is to be prepared to act unfairly or wrongly. To be prepared to endanger innocent

²⁹Note that we must speak here of the other person's intentions, rather than just his behaviour—because of condition (e). However, the sense of 'intention' used here is quite broad, including not only what is aimed at, but also what is merely foreseen. On this understanding, whenever someone *behaves unreasonably* (rather than just inappropriately, or unhelpfully), he does indeed have unreasonable intentions. If I do the wrong thing without any unreasonable intentions (in the broad sense described), I have not behaved unreasonably, only wrongly. I am grateful for the comments of an anonymous reviewer at this point.

³⁰Note that condition (e) does not state that the other person must intend the actor to perform *Y*, only that her performance of *Y* must be compatible with his intentions. The stronger condition would be appropriate to an analysis of *threats*, and hence coercion, but it is not required for acquiescence (this is the main difference between acceding to a threat and other kinds of acquiescence). However, the weaker condition *is* necessary for acquiescence, if we are to avoid the absurd implication that someone can acquiesce in another's intentions in a way which is quite incompatible with those intentions.

³¹One model for the understanding of reasonableness as readiness to act fairly is provided by contractarian thought. See for example Rawls (1996, pp. 48–54), where he writes: 'The reasonable is an element of the idea of society as a system of fair cooperation . . .' (pp. 49–50). Rawls also stresses, of course, that reasonable people often disagree on moral issues, and this too may be relevant to the analysis of acquiescence. It is perhaps implausible to claim that all intentions which are not optimal according to the true moral theory, whatever that is, satisfy condition (d). Also relevant for the contractarian idea of reasonableness is Scanlon 1998, pp. 191–7.

bystanders in order to escape arrest (within a sufficiently just society) is unreasonable in this sense; but of course it may not be at all irrational. Now there is at least a *prima facie* connection between the other person being unreasonable, understood in this way, and the responsibility of the actor. For the idea of fairness features in one way in which we think about responsibility. On this view, what people are responsible for is in part a question of what it would be fair to require of them; hence we can see that one person's unfairness is at least a candidate to affect the responsibility of another.³² The thought that there may be some connection between the other person's unfairness and the actor's responsibility seems also to lie behind the intuition that it makes a difference whether a certain regrettable choice situation was caused by another person behaving unfairly, or instead by natural causes (or by others acting reasonably). If we think this difference in causal conditions might make a difference to *the actor's responsibility*, then we think there might be some connection between unfairness and responsibility.³³

There is a certain limit to the content that can be given to the idea of unreasonableness in an analysis of this kind. We would not want *the definition of acquiescence* to presuppose a very specific or controversial idea of unreasonableness, for it would then be prey to criticisms of that specific idea. In some cases there is an uncontroversial sense in which the other person's intentions are unreasonable. They may violate the actor's rights or entitlements, for example. In other cases, however, it may be much more controversial whether an intention is unreasonable or not. I do not want to suggest that it is unimportant how these disputes are resolved. On the contrary, it may be very important; for example, it may have an important bearing on how we attribute blame and responsibility in cases where no rights or entitlements have been violated. But I do want to suggest that these disputes cannot be settled by a general analysis of acquiescence. My own view is that it is possible to acquiesce in morally justified intentions, so long as those intentions are unreasonable from an intelligible point of view (such as the actor's); but this view about what may count as unreasonable is not part of the analysis of acquiescence offered here.³⁴ That analysis supposes only that to have an unreasonable intention is to intend to act in a way which is unfair.

Now let me give some further explanation of the terms 'possible' and 'available'. They are used in a special way intended to convey the different senses in which outcomes may be possible (in the ordinary sense) in the actor's choice

³²See Woodard 1998, pp. 32–8.

³³Frankfurt (1988, pp. 45–6) seems convinced that there is no such connection. He writes: 'When a person chooses to act in order to acquire a benefit or in order to escape an injury, the degree to which his choice is autonomous and the degree to which he acts freely do not depend on the origin of the conditions which lead him to choose and to act as he does. A man's will may not be his own even when he is not moved by the will of another'. Maybe the origin does not matter; I shall come back to this in Section IV below. But at this stage it is reasonable to allow that it might matter.

³⁴On the possibility of morally justified coercion, see Feinberg 1986, pp. 213–15.

situation. In each case the terms are relational: *availability* is a relationship between an individual actor and an outcome; and *possibility* is a relationship between some relevant group and an outcome. As I said, roughly speaking, an outcome is available to an actor if she can realise it with her own causal powers; and it is possible for an actor if she is a member of a group which can realise it with its own causal powers. In cases of acquiescence, the most preferred outcome is possible for the actor but not available to her: that is, she cannot realise it by herself, but she is a member of a group (in the simplest cases comprising her and the other person) which can realise it. We can express the difference between possibility and availability in simple two person cases like this:

an outcome is *available* if and only if there is some chance that it will be realised by an action the actor could perform;

whilst

an outcome is *possible* if and only if there is some chance that it will be realised by an action the actor could perform, or by an action the other person could perform, or by some combination of actions they each perform.

Used in this way, availability entails possibility (but not *vice versa*), as the statement of condition (a) tacitly implies. That is, not all possible outcomes need be available to a certain actor, but all those outcomes which are available to her are necessarily possible for her in the circumstances.

Underlying the notions of possibility and availability as used here is the idea of *something an agent could do*. ‘Availability’ refers to what might happen (allowing for chance and exogenous factors) given what the actor herself could do, holding other circumstances constant, including the actions and intentions of other persons; that is, it refers to the possible states of the world given its actual state and varying assumptions about what the actor does. ‘Possibility’ refers to what might happen (allowing for chance and exogenous factors) given what the actor herself could do, and what the other person could do, again holding other circumstances constant; that is, it refers to the possible states of the world given its actual state and varying assumptions about what the actor, and the other person, do.

On the definition I have given here, acquiescence occupies the role, identified in the previous section, of describing cases in which the actor’s choice situation is degraded by the unreasonable behaviour of another person. The concept describes circumstances which may already be described by the concepts of coercion and duress, but it also describes cases not covered by those concepts, in which the other person’s behaviour, though unreasonable, is not strictly threatening. In accordance with the theoretical strategy outlined at the start, the implications of this concept with respect to the actor’s responsibility are still to be investigated; they do not follow straightforwardly from the definition itself.

I shall address some of the issues involved in Section IV. First, however, I want briefly to discuss some non-standard cases of acquiescence.

III. NON-STANDARD CASES

So far I have discussed acquiescence as if it were essentially an interpersonal phenomenon, that is, as if it were always a matter of the interaction of two or more persons.³⁵ That assumption may be correct, but it is worth pausing to consider two other possibilities. Firstly, it might be possible for one person to acquiesce in impersonal facts, such as (perhaps) the structural features of society. It is often a moot point whether any particular social structure is properly regarded as an impersonal fact. One might think that someone could acquiesce in class structures, for example, because one thought of class structures as consisting wholly of interpersonal interactions. One might have a similar view of economic 'laws'. But suppose there is some structural feature of society which could not be accounted for in this way: would it be possible to acquiesce in that feature?

There are some impersonal facts in which one certainly could not acquiesce. It makes no sense, for example, to speak of Jones *acquiescing* in the fact that he is short, or bald. One cannot acquiesce in facts like that. We have suggested that it might be possible to acquiesce in structural features, if those features consist wholly of interpersonal interactions. But are there intermediate features in which one could acquiesce—not wholly impersonal, like baldness, but not consisting wholly of interpersonal interactions, like (we are supposing) class structures? One candidate might be an *institution*. An institution, such as the tax system, consists partly of persons and interpersonal interactions. But it might be thought to consist also of policies or procedures, which govern those interactions. Such policies or procedures are arguably impersonal facts, in the sense that they do not consist wholly of interpersonal interactions. If so, institutions might provide examples of acquiescence in (partly) impersonal facts; and there might be other examples which occupy the intermediate position between personality and impersonality.

The idea of *intrapersonal* acquiescence provides a second kind of non-standard case. We are used to thinking of agents as whole persons, at the least, but sometimes we think of sub-personal units as agents. For example, we speak of persons as being 'internally divided', or 'at odds with themselves'. Does it make sense to think of one part of a person acquiescing in the intentions of another part of that person? Consider someone who wants to give up smoking, but who knows that the addictive part of her personality cannot be swayed. This person might decide to give up trying to give up, because she knows (a)

³⁵Acquiescence involving artificial persons, such as companies, may be included under the heading of interpersonal acquiescence.

that whether or not she tries to give up, she will carry on smoking, and (b) that trying to give up is costly. We might say of such a person, that the part of her which wanted to give up (call it *Healthy*) acquiesced in the intentions of the part which would not (call it *Addict*). *Healthy* selected the best available outcome, because the preferable outcome (giving up) was made unavailable by *Addict*.³⁶

In this case part of the putative acquiescence occurs between two co-temporal parts of the person. It is probably more common, however, for a person at one moment to acquiesce in his future behaviour. An example of this is the story of Professor Procrastinate, which is told by Frank Jackson and Robert Pargetter:

Professor Procrastinate receives an invitation to review a book. He is the best person to do the review, has the time, and so on. The best thing that can happen is that he says yes, and then writes the review when the book arrives. However, suppose it is further the case that were Procrastinate to say yes, he would not in fact get around to writing the review... because he would keep on putting the task off. (This has been known to happen.) Thus, although the best that can happen is for Procrastinate to say yes and then write, and he *can* do exactly this, what *would* in fact happen were he to say yes is that he would not write the review. Moreover... this latter is the worst that can happen. It would lead to the book not being reviewed at all, or at least to a review being seriously delayed.

Should Procrastinate accept the invitation to review the book?³⁷

As Jackson and Pargetter point out, there seem to be good arguments both for and against his accepting the invitation. On one hand, given that he will not write the review, the best thing for him to do is to decline, since declining is better than accepting and not writing. On the other hand, given that he can write the book (he has the time), and that he is the best person for the job, he ought to say yes and write the review, which achieves the best outcome. As we might put it, Procrastinate faces an intrapersonal dilemma of acquiescence.

I think that both intrapersonal acquiescence, and acquiescence in the behaviour of institutions, are genuine kinds of acquiescence. The latter of these is probably amongst the most common kinds of acquiescence of interest to political philosophers. It is true that both of these non-standard kinds of case strain our definition of acquiescence a little; but not, I think, too much. Intrapersonal acquiescence fits the definition so long as we are willing to substitute 'agent' for 'person', and to think of the different parts of persons who experience intrapersonal acquiescence as distinct agents.³⁸ Acquiescence in institutional behaviour is a little more awkward. It fits if we are willing to apply the ideas of possibility and availability to institutions, and to think of the policies which animate them as akin to intentions.

³⁶On compulsive disorders and duress, see Elliott 1991, pp. 45–56. On addictions, see Fingarette and Fingarette Hasse 1979, Part IV.

³⁷Jackson and Pargetter 1986, p. 235, emphasis in the original.

³⁸See Hurley 1989, pp. 136–59 on analogies between conflicts between persons and conflicts within persons.

Finally, we should consider acquiescence in past behaviour. It might appear at first that all acquiescence is acquiescence in past behaviour. We might think this if we confuse the behaviour which prompts acquiescence with the behaviour in which there is acquiescence. The former must always have occurred by the time of acquiescence, but the latter may be in the future. For example, if I am held up at gunpoint and as a result hand my money to my assailant, the behaviour which prompts the acquiescence is my being held up, which has occurred by the time I acquiesce. But the behaviour in which I acquiesce is the expected future behaviour of my assailant should I not hand over my money: I judge that he will make my preferred outcome, of keeping my money and not being shot or harmed, unavailable; and it is in this future behaviour (or the intention to carry it out) that I acquiesce. In other cases the distinction between the behaviour which prompts acquiescence and the behaviour in which there is acquiescence is not so sharp. The two are continuous in the example of my giving up a secret in order to get you to stop wringing my arm, and it would be artificial to draw a line between one and the other.

It is clear that we can acquiesce *because of* past behaviour, if the behaviour in question is an implicit or explicit threat, or some other kind of evidence about future behaviour, which prompts our acquiescence. Can we also acquiesce *in* past behaviour? The issue turns in part on our view of possibility. For acquiescence to occur, the preferred outcome must be possible at the moment of decision, even though it is not available to the actor. We might take the view that if the behaviour which rules out that outcome has already occurred, then that outcome is neither available nor possible at the moment of decision. Suppose my preferred outcome requires my use of some unique object, which has already been destroyed and cannot be replaced. We might say that this preferred outcome is neither possible nor available to me once the object has been destroyed; and thus that, although I can regret the destruction of the object, I cannot now acquiesce in its destruction.

This seems right in cases where the past behaviour cannot be undone in any way; but often past behaviour can of course be undone. This is often true of decisions which have been taken. Suppose you have fulfilled all of the criteria for promotion in your job, but your unfair boss once decided that you would not be promoted so long as she was in charge. She is no longer in charge, but the decision about your case still stands, although in principle it could be undone. In this case, it seems right to say that the past decision is not simply *evidence of* future behaviour, *and* that you can choose whether or not to acquiesce in it.³⁹

³⁹I am unsure about this. Perhaps it is the current boss' *readiness to let the past decision stand*, which currently exists and looks likely to extend into the future, in which you must decide whether to acquiesce. However, nothing in the main arguments of this paper turns on the analysis of this issue which I suggest in the text.

IV. RESPONSIBILITY

The definition of acquiescence was given as part of an attempt to remedy the incompleteness in our vocabulary for describing regrettable choice situations. Our primary interest in such situations, and so in the concept of acquiescence, is in whether, and to what extent, they tend to undermine the responsibility of those actors who are confronted with them. Our theoretical strategy has been first to define and distinguish the concepts we can use to describe such situations, and then to investigate their significance for responsibility. So we need to ask what significance, if any, the concept of acquiescence has for the actor's responsibility. Its importance as a descriptive concept depends on what significance we find.⁴⁰

Our view on this will depend on what we take to be the crucial feature or features of coercion. Supposing that coercion defeats the responsibility of the actor in at least some cases, how do we explain that? If we explain it only in terms of the *choice conditions* of a regrettable choice situation, we will attach no significance as such to the absence of a threat in non-coercive cases of acquiescence, because the special features of threats have to do with the causal conditions of the choice situation. Suppose for example that we explain the actor's lack of responsibility in terms of the psychological difficulty of resisting an option when the only alternatives are much less attractive. We will not find much of significance in the difference between threats and offers, or between coercion and necessity: in all these cases, we will think that what matters is the difference in relative attractiveness between the actor's options. The same goes for explanations wholly in terms of the absolute attractiveness of the actor's options, and for explanations which combine considerations of both sorts (relative and absolute attractiveness), but which do not refer to the causal conditions of the situation. On these views the origins of the actor's choice situation—whether in an offer, or in a threat, or in non-coercive unreasonableness, or in natural causes—would have no intrinsic significance. (They may of course have extrinsic significance, insofar as they affect the relative attractiveness of the actor's options.)

On the other hand, we must think that origins matter intrinsically if we are willing to make distinctions regarding responsibility between cases of coercion and cases of necessity which have identical choice conditions. There are three factors we might focus on. We might focus on the question of whether the actor's choice situation is *caused by another person*. If so, we would treat cases of coercion, offering, and acquiescence alike, and distinguish them from cases of necessity in the narrow sense. (My suggestion that we broaden the concept of necessity to cover cases in which other persons' reasonable behaviour are among the causes of the choice situation runs counter to this first possibility.) Secondly,

⁴⁰I believe that acquiescence has a quite different kind of significance as well, which I have not discussed in this article. This has to do with our view of the reasons there are for and against acquiescing. I address these issues in *The Rationality of Acquiescence*, work in progress.

we might focus on the question of whether the actor's choice situation is *caused by unreasonable behaviour*. If so, we are likely to treat cases of coercion and acquiescence alike, and to distinguish them from cases of necessity, as well as cases of offering. Thirdly, we might focus on the question of whether the actor's situation is *caused by threatening behaviour*. If so, we are likely to distinguish between cases of coercion and duress on one hand, and cases of non-coercive acquiescence, as well as cases of necessity and offering. Notice that it is only this third possibility which suggests that there is a deep difference between coercion and non-coercive acquiescence with respect to responsibility.

In discussing these views it may help to bear in mind some well-known distinctions. The first is a distinction between two ways we might revise our view of an action in the light of which an actor at first sight looks blameworthy. First, we might come to think of the action in question as *justified* in the circumstances, perhaps because it is less bad than any other alternative (as when we say that an action was 'the lesser of two evils'). On this view the actor is responsible for the action; it is not that we think it wrong to attribute the action to her, but that we think that, first appearances notwithstanding, the action was right.⁴¹ The second revision is quite different. We might think that an actor is not blameworthy in respect of an action not because we think on reflection that the action is justified, but because we think it wrong to attribute the action to the actor. In this case we *excuse* her, which is to say that we hold her not to be responsible for the action in question. So our question is about whether non-coercive acquiescence ever provides an excuse—not about whether it can be *right* to acquiesce.

Scanlon has recently emphasised a second useful distinction.⁴² He points out that we use the expression 'is responsible for' in at least two different ways. One use is to discuss whether an action is appropriately attributed to an actor—whether it would be appropriate to praise or blame her for it. Scanlon calls this *responsibility as attributability*. As we have just noticed, this can be contrasted with the question of whether the action in question is wrong. But as Scanlon points out, it can also be contrasted with use of 'Jones is responsible for X' to mean 'it is fair that Jones bears the cost/enjoys the benefit of X'. This latter use of the concept of responsibility is quite common, but it does not always go hand in hand with responsibility as attributability. For example, if Jones is strictly liable for outcome X, it is fair that he bears the cost of it, even if he has no role in bringing it about. Since this second use of responsibility expresses substantive conclusions about the fair distribution of benefits and burdens, Scanlon calls it *substantive responsibility*. Of course it is possible to think that substantive responsibility should track responsibility as attributability; but even if we hold this view we should recognise the distinction.

⁴¹Scanlon claims that coercion and duress have this kind of significance: they do not imply that the actor was not responsible for the action, but they may imply that the action was justified. See Scanlon 1998, pp. 279–80.

⁴²See Scanlon 1998, pp. 248–9, 290–4.

The question of the origins of the actor's choice situation is obviously relevant to issues of substantive responsibility. Whether or not a burden is fairly borne by the actor may well depend on whether she was threatened into accepting it. But if we admit this, we should admit also that whether or not she acquiesced is relevant, even if she was not threatened. For it is not as if the only causal condition of an actor's choice which can disrupt the fairness of the resulting distribution is that she was threatened. If her choice was conditioned by the other person's non-threatening unreasonableness, that may also make the resulting distribution unfair. So we should accept, I think, that acquiescence may undermine the actor's responsibility, in the sense that it may make it unfair for her to bear the costs of her choice. It is difficult to deny that acquiescence may undermine substantive responsibility.

It is much easier to deny that acquiescence is significant for responsibility as attributability. This is not because it is plausible to claim that no cases of acquiescence undermine this kind of responsibility. That is quite implausible, when we remember that cases of coercion are a class of cases of acquiescence. If some cases of coercion undermine responsibility as attributability, then *ipso facto* some cases of acquiescence undermine it. Instead it is arguable that the causal condition which the concept of acquiescence focuses on—unreasonable behaviour by others—has no significance for this kind of responsibility. Why should the fact that my choice situation is influenced by the unreasonable behaviour of someone else, rather than, say, the fact that I have only one acceptable option, be relevant to whether or not my behaviour is properly attributed to me?

This fact would be relevant, if we took a certain view about responsibility as attributability. I pointed out earlier that we might think that substantive responsibility should track responsibility as attributability: if the connection between the two kinds of responsibility is such that attributability questions sometimes turn on substantive questions, then the unreasonableness of the other person's behaviour may make the actor's choice not properly attributable to her. Perhaps this is to reverse the most likely conceptual connection between the two types of responsibility, according to which attributability is logically independent of, but helps determine, the substantive issues. But it is nevertheless an intelligible view of responsibility.⁴³

The large theoretical question in the background of the discussion of the significance of acquiescence for responsibility, then, concerns the relationship between the two kinds of responsibility that Scanlon distinguishes. While acquiescence seems indisputably relevant to substantive responsibility, its relevance for responsibility as attributability depends on the idea that whether an action is properly attributable to an actor depends on the fairness of the circumstances in which it took place. If this idea is false, however, notice that it is

⁴³See Woodard 1998, 32–8 on the 'naturalist' view of responsibility.

also difficult to explain the relevance of *threats* to responsibility as attributability. Why should the fact that a choice between a given set of options was generated by a threat, rather than by some other means, be relevant to responsibility as attributability, if the fact that it was generated unreasonably is irrelevant? The underlying question is whether the normative status of the cause of a choice situation is relevant to responsibility as attributability; if we think it is not in the case of acquiescence, we should probably take the same view in the case of coercion.⁴⁴ We ought in that case to adopt something like Frankfurt's view, according to which attributability is undermined only by the psychological difficulty of resisting a more attractive option—not by any particular causal condition of the choice situation.⁴⁵

V. CONCLUSION

The concept of acquiescence helps us to describe regrettable choice situations. Between them, the concepts of coercion, duress and necessity describe only some of these situations, as I have tried to show. This is unfortunate, since one of the ways in which an actor's responsibility may be undermined is by her having to choose in regrettable circumstances. In adding to our vocabulary for describing cases in which the responsibility of an actor may be compromised, the concept of acquiescence should be helpful in political as well as in moral discussion. Liberal political philosophy is especially concerned with individual responsibility, and sometimes it is the case that political disagreements are to be explained by different judgements about responsibility, rather than by adherence to different values.⁴⁶ Responsibility may be undermined in several different ways—through force, or irrationality, or lack of information. It may also be undermined by coercion and duress. But if we focus on the special conditions necessary for coercion and duress, which have to do in part with the other person's intentions towards the actor, we may underestimate the extent to which responsibility is actually undermined. Coming to recognise acquiescence as a salient concept is likely to reveal many previously unnoticed instances in which responsibility is undermined.

These remarks apply most straightforwardly to what Scanlon calls substantive responsibility, rather than to what he calls responsibility as attributability. But the concept of acquiescence may help us to understand the defeat of the latter kind of responsibility too, if it is true that the actor's responsibility in that sense

⁴⁴We might attach other kinds of significance to the distinction between coercive- and non-coercive acquiescence, of course. I am grateful to an anonymous reviewer for pointing out that coercion seems always to involve an intention to use the actor as a means, whereas in non-coercive acquiescence the other person might be simply indifferent to the fate of the actor.

⁴⁵See Frankfurt 1988, pp. 39–40.

⁴⁶On the role of judgements of responsibility in theories of justice, see Cohen 1989, Woodard 1998; for a broader view, which perhaps exaggerates the extent to which political philosophers have attempted to avoid relying on the concept of responsibility, see Scheffler 1994.

depends on the fairness of her circumstances. Moreover, the concept of acquiescence is in the same boat in that respect as the concept of coercion, if we mean by that the use of threats to influence behaviour. For the deep question is whether the normative status of the other person's behaviour is relevant to the actor's responsibility, in the current sense, for her actions. If we think it is, we should expect both acquiescence and coercion to be relevant to this kind of responsibility. If we think it is not, we should expect neither to be relevant, and we should explain how coercion affects responsibility in terms only of the relative attractiveness of the actor's options, and the psychological difficulty of resisting the more attractive option.⁴⁷

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