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Coercive-offers and Responding to the Wrong Kind of Reasons

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Abstract

“Coercive offers” are murky. They enhance freedom by providing beneficial options yet feel coercive. Consider, for instance, the case of a lecherous millionaire offering to pay for a child's life-saving treatment provided the mother agrees to become his mistress. While this may feel coercive, such offers are often classified as voluntary – either because they provide a benefit according to a baseline account or they aren't seen psychologically irresistible. Coercive offers are typically characterised by imbalanced bargaining powers, with the offeree dependent on the offer to improve her vulnerable situation. Yet, she is free to decline, and it remains unclear what renders the beneficial offer coercive.

The paper contends that such offers are coercive because they introduce the “wrong kind of reasons” (WKR) as the only viable option for the offeree to improve her dire situation. Certain decisions require particular reasons, and autonomous agents may seek to exclude WKR to ensure that choices are aligned with their values and deep commitments. Coercive offers, while satisfying the offeree's immediate desire, may conflict with her higher-order desire to exclude certain reasons, alienating her from her deep commitments. By introducing WKR as the only viable option, these offers lead individuals to sovereignly act for reasons that, though satisfying their first-order desires, conflict with their higher-order desires, impairing the appropriate connection between sovereignty and non-alienation, and ultimately hindering the offeree's capacity for self-governance and self-authorship.

Abstract [short version, as submitted to the journal]

“Coercive offers” are murky. They enhance freedom by providing beneficial options yet feel coercive. Though imbalanced bargaining powers are often in the background, the offeree is free to decline, and it remains unclear what renders the offer coercive.

The paper contends that such offers are coercive because they introduce the “wrong kind of reasons” (WKR) as the only viable option for the offeree to improve her dire situation. Certain decisions require particular reasons, and autonomous agents may seek to exclude WKR to ensure that choices are aligned with their values and deep commitments. By introducing WKR as the only viable option, these offers lead individuals to sovereignly act for reasons that, though satisfying their first-order desires, conflict with their higher-order desires and deep commitments. This misalignment impairs the appropriate connection between sovereignty and non-alienation, ultimately hindering the offeree’s capacity for self-governance and self-authorship.

Introduction – The Ambiguity of Coercive-offers

Consider the following scenarios:

A lecherous millionaire offers to pay for a woman's child's life-saving medical bills, provided that she consents to becoming his mistress.¹

A financially struggling woman is offered an excessively large financial compensation for becoming a surrogate.

Employer A offers a long-term unemployed technician a job contingent on her providing weekly massages.

Prosecutor A offers defendant B a penalty of 6 months of community service in light of the risk of capital punishment provided she pleads guilty.²

Something in these offers feels coercive, as if the recipient has no real choice but to accept the offer. However, they are all freedom-enhancing. Each adds a beneficial option, with the offeree free to reject the offer. The literature often terms these offers “coercive offers.”³ Freedom-enhancing, on the one hand, however coercive or autonomy-undermining, on the other hand. It is not only that these offers may be morally wrong. They wrong the offeree's autonomy in some way or another.

¹ This classic example is drawn from Feinberg's analysis. See Joel Feinberg, *The Moral Limits of the Criminal Law. 3: Harm to Self* (New York: Oxford Univ. Pr, 1989), p. 229.

² Plea-bargaining offers have been argued to be coercive in certain situations, such as when there is a significant disparity in sentencing, a difference in the form of punishment (e.g., a non-custodial offer versus an expected custodial sentence, or 'time served' for a remand defendant), or when pleading guilty helps avoid the risk of capital punishment. For further discussion, see (omitted for reasons of anonymity).

³ See Feinberg, *The Moral Limits of the Criminal Law. 3*, pp. 229–33.

In line with existing scholarship, I will use the term “coercive offers” to uncover their coercive nature without assuming it in advance. It should be noted that the concern of the paper is not about the wrongness of such offers, their implication and whether they invalidate consent, which is often a matter of policy.⁴ Rather, it is about the coercive effect they have on the offeree due to their “coercive” structure.⁵

Coercive offers have long puzzled scholars. Despite a certain intuition regarding their “coercive” nature, in the analytical distinction between coercive threats and beneficial offers, they are classified as voluntary offers.⁶ The literature on coercion outlines four main conceptions: baseline conceptions, psychological accounts, power imbalances, and the excessiveness of the offer. Notably, all these accounts render such offers as voluntary.

Nozick’s baseline theory, for example, suggests that a proposition is coercive if A “makes the consequences of Q’s action worse off than they would have been in the normal and expected course of events”.⁷ Accordingly, coercive offers are voluntary, as they typically benefit the offeree relative to the baseline situation. Take the case of the lecherous millionaire: while the offer seems coercive, with the woman reluctantly consenting even though she would prefer not to face such a choice, it is classified as voluntary. According to the baseline conception, she is better off with her child’s medical expenses covered, even at the cost of becoming his mistress. The assumption is that she would not have consented unless, all things considered, it was worthwhile.

⁴ After concluding that the whole conceptual question is rather murky, Feinberg claims that the voluntariness requirement for validity is a matter of policy. See Feinberg, p. 261.

⁵ Berman differentiates between the wrongness of the offer (Coercion(w)) and the effect of the coercive offer on the offeree (Coercion(e)). See Mitchell N. Berman, ‘The Normative Functions of Coercion Claims’, *Legal Theory* 8, no. 1 (March 2002): pp. 45–89.

⁶ According to the threat-offer distinction, a conditional threat is coercive whereas a beneficial offer is considered voluntary, see Michael Gorr, ‘Toward a Theory of Coercion’, *Canadian Journal of Philosophy* 16, no. 3 (1986): 383–405; Ruth R. Faden, Tom L. Beauchamp, and Nancy M. P. King, *History and Theory of Informed Consent*, 1st ed. (New York: Oxford University Press, 1986), pp. 340–41.

⁷ Robert Nozick, ‘Coercion’, in *Philosophy, Science, and Method: Essays in Honor of Ernest Nagel*, ed. Ernest Nagel et al. (Macmillan, 1969), 440–472, p. 447.

Baseline conceptions are divided between moral and non-moral baselines. Non-moral baselines compare the offer to the ordinary expected course of events.⁸ This conception is problematic as it might classify any worse-off proposition as coercive, even if it is merely a salesman increasing the prices.⁹ On the other hand, without any clear criterion, it is impossible to ascertain when the utility of receiving Z relative to X (in the normative course of events) renders the proposition coercive.¹⁰

In contrast, a moral baseline conception, as articulated by Wertheimer, compares the offer to the moral course of events and whether A had a prima facie moral duty not to inflict Z on the offeree.¹¹ For example, suppose Employer A offers B employment contingent on turning a blind eye to illegal activities within the workplace or accepting wages below the legal minimum. In that case, the offer is coercive, as the employer has a legal duty towards the employee to pay at least minimum wage and not demand complicity in illegal acts. Similarly, this can apply to Prosecutor A, who offers a plea bargain while withholding evidence or threatening a sentence she lacks the authority to request. Here, the plea offer is coercive because it is detrimental relative to the moral (or legal)¹² course of events, where the prosecutor is bound by the limits on sentencing authority and is required to disclose evidence. However, typical coercive offers do not always entail a violation of moral or legal rights. Consider typical plea-bargaining offers, where a lenient sentence is offered in light of the risk of a death penalty or time-served sentence for a defendant on remand. In such instances, the prosecutor's authority

⁸ Wertheimer divides non-moral baseline accounts into two types: statistical baselines and phenomenological ones. See Alan Wertheimer, *Coercion*, Studies in Moral, Political, and Legal Philosophy (Princeton, N. J: Princeton University Press, 1989), p. 202.

⁹ See Frankfurt's critique that the baseline conception renders the butcher's less attractive offer coercive. See Harry G. Frankfurt, 'Coercion and Moral Responsibility', in *The Importance of What We Care about: Philosophical Essays* (Cambridge University Press, 1988), 26-46, pp. 30-32.

¹⁰ While Zimmerman endorses a non-moral baseline account, he notes that "where this threshold lies is a good question", see David Zimmerman, 'Coercive Wage Offers', *Philosophy & Public Affairs* 10, no. 2 (1981): 121-145, p. 124.

¹¹ Wertheimer, *Coercion*, pp. 207-12. See also Mitchell N. Berman, 'Coercion without Baselines: Unconstitutional Conditions in Three Dimensions', *Georgetown Law Journal* 90, no. 1 (2001): 1-112, p. 14.

¹² The moral and the legal course of events can diverge, such can be the case with capital punishment, which may be legal however morally contentious.

to seek the death penalty or detain the defendant makes the offer beneficial in comparison to the moral baseline.¹³

Refuting the threat–offer distinction, Frankfurt introduces a psychological account, which focuses on the offeree’s volition and her ability to overcome the offer. Accordingly, an offer is coercive if it is irresistible and the offeree cannot overcome the offer.¹⁴ However, psychological accounts are problematic. First, not all duress should amount to coercion, and a high threshold of irresistibility should be maintained. Second, they are subjective – what one person may find irresistible, another may not, and it is unclear what the threshold criterion is that renders the offer coercive. Thus, while some defendants may plead guilty solely to avoid the risk of capital punishment, others may choose to take the risk.¹⁵ Moreover, there is something in the structure of coercive offers which makes them coercive, and although the psychologically subjective element captures the notion of “having no choice”, its subjectivity fails to account for the structural characteristics of coercive offers.

Other scholars have suggested that the excessiveness of the offer can distort the rational decision-making process by tempting the offeree to over-weigh the short-term benefits over the long-term consequences.¹⁶ Yet, defining the threshold for when an offer becomes “too excessive” and what it means for an offer to distort rational decision-making remains unclear.

¹³ Wertheimer, *Coercion*, pp. 137–39; Berman, ‘Coercion without Baselines’, p. 99; Josh Bowers, ‘Plea Bargaining’s Baselines Plea Bargaining Regulation: The Next Criminal Procedure Frontier Symposium’, *William & Mary Law Review* 57, no. 4 (2016 2015): 1083–1146, p. 1089.

¹⁴ Frankfurt, ‘Coercion and Moral Responsibility’, pp. 40–41.

¹⁵ In his critique of plea-bargaining, Alschuler highlights several cases in which defendants received death sentences after rejecting a guilty plea offer. See Albert W. Alschuler, ‘The Prosecutor’s Role in Plea Bargaining’, *U. Chi. L. Rev.* 36 (1968): 50–112, p. 62.

¹⁶ This argument has been raised in the ethical debate on clinical trial payments, See Tom L. Beauchamp, ‘Autonomy and Consent’, in *The Ethics of Consent: Theory and Practice*, ed. Franklin Miller and Alan Wertheimer (Oxford University Press, 2010), p. 72; Emily Largent et al., ‘Misconceptions About Coercion and Undue Influence: Reflections on the Views of Irb Members’, *Bioethics* 27, no. 9 (2013): 505; Ezekiel J. Emanuel, ‘Undue Inducement: Nonsense on Stilts?’, *The American Journal of Bioethics* 5, no. 5 (September 2005): 9; Alan Wertheimer and Franklin G. Miller, ‘Payment for Research Participation: A Coercive Offer?’, *Journal of Medical Ethics* 34, no. 5 (2008): 389–392, p. 391.

More importantly, even when an offer is excessive, it may still align with the offeree's rational interests, and it is not clear what makes consenting to such offers less than fully autonomous.

Additionally, power disparities are frequently cited as a source of coercion, particularly whenever the offeree is in a vulnerable situation and is dependent on the offer to improve her situation.¹⁷ However, not all power imbalances are problematic. For instance, many bargaining situations entail some degree of power disparity without raising concerns about coercion. This is evident in employment negotiations, where disparities exist but are not typically regarded as coercive. While some focus on the superior side taking advantage of the inferior, the exploitation, though morally abused, does not render the offer coercive.¹⁸

Building on a baseline conception, Zimmerman suggests that coercion occurs when the offeror is responsible for creating the offeree's vulnerable baseline.¹⁹ However, even if we can attribute responsibility to the offeror for creating the baseline situation, not all coercive offers conform to this pattern. Furthermore, this approach shifts the focus away from the offer itself to the conditions surrounding it, overlooking whether the offer itself is coercive.

Coercive offers are freedom-enhancing. They provide a beneficial option that was not available beforehand. So, what is the problem? Joel Feinberg argues that such offers create a situation where the new option is the only reasonable choice.²⁰ Yet, this still does not fully explain why a beneficial offer might be coercive. After all, the recipient is free to decline. Feinberg urges us to endorse a compatibilist approach and abandon "the dogma that enlarged

¹⁷ Joan McGregor, 'Undue Influence as Coercive Offers in Clinical Trials', in *Coercion and the State*, ed. David A. Reidy and Walter Joram Riker, AMINTAPHIL, the Philosophical Foundations of Law and Justice 2 (New York: Springer, 2008), 45-59, p. 50; Joan McGregor, 'Bargaining Advantages and Coercion in the Market', *Philosophy Research Archives* 14 (1 April 1988): 23-50, pp. 45-46.

¹⁸ According to Wertheimer, exploitation can occur in mutually advantageous agreements, see Alan Wertheimer, *Exploitation* (Princeton, N. J: Princeton University Press, 1996), pp. 27, 34.

¹⁹ Zimmerman, 'Coercive Wage Offers', pp. 130-31.

²⁰ Feinberg, *The Moral Limits of the Criminal Law*. 3, pp. 230-32.

freedom and specific coercion cannot coexist.”²¹ However, as Feinberg admits, the “purely conceptual question is inherently murky”.²²

Several characteristics can be articulated. First, coercive offers enhance freedom by adding an option that did not exist beforehand. Second, they are beneficial. Third, they often involve power disparities, with the offeree depending on the offer to improve her vulnerable situation. Finally, due to their attractiveness, they move the offeree into consenting to the offer, which she wouldn’t have necessarily desired in the first place. Importantly, the issue is not with the offeree’s lack of willpower or self-control; rather, the offeree makes a rational decision that benefits her. However, despite being advantageous, it remains an option she likely would not have considered if it weren’t for the offer, and it is only because this offer is presented as the sole opportunity to improve her situation that she consents to it.

As further elaborated below, the imbalanced bargaining powers do play a role. Though the bargaining gap does not in itself constitute coercion, it gives rise to a situation where the offeree is dependent on the offer to improve her vulnerable situation. However, as the offeree is free to decline, the question is what is inadequate in the new option that has become available through the offer, which constitutes coercion or, at the very least, autonomy undermining in some sense or another.²³

The paper will argue that the core issue lies in the content of the offer and the types of considerations it introduces – namely, the introduction of the wrong kind of reasons (WKR) for accepting the offer. While the focus might appear to centre on the rational criterion regarding the right and the wrong kinds of reasons, the paper connects the discourse on rational

²¹ Feinberg, p. 233.

²² Feinberg, p. 246.

²³ Raz argues that autonomy requires an adequate range of options. Joseph Raz, *The Morality of Freedom*, Clarendon Paperbacks (Oxford: Clarendon Press, 1988), pp. 377–78.

reasoning to the question of autonomy.²⁴ Autonomous agents require decisions to be informed by reasons that align with their values. However, the appeal of WKR can obscure the right kinds of reasons, leading individuals to seek their exclusion from decision-making. Within this framework, coercive offers, while satisfying the offeree's immediate desire to consent to the beneficial offer, can violate her higher-order desire to exclude certain reasons. By presenting WKR as the only rational way to improve her situation, coercive offers move the offeree to consent in a way that alienates her deeper commitments, undermining the appropriate connection between autonomy as sovereignty and non-alienation. Even if the offeree's higher-order desires are unclear, the significance of certain decisions necessitates accommodating the right kind of reasons by excluding WKR, thus preserving the offeree's autonomy to act according to the reasons she identifies.

The paper is structured as follows: Section I introduces the distinction between right and wrong kinds of reasons, examining the challenges in clearly differentiating between them. Section II extends this discussion to autonomy and accommodation, exploring their impact on non-alienation and questioning whether the analysis pertains to sovereignty, given that the offeree may voluntarily choose WKR despite conflicting inner commitments. Section III delves into higher-order desires in decision-making, demonstrating how coercive offers infringe not only on these desires but also on the relationship between sovereignty and non-alienation. This section concludes by considering whether the analysis applies to individuals in everyday circumstances who may lack complex higher-order desires. It argues that, even without a clear

²⁴ In my article on coercive plea offers (omitted for anonymity), I argued that plea bargaining introduces 'wrong kind of reasons' (WKR) into decision-making, providing a rational basis for accepting a plea based on factors unrelated to guilt. While that work primarily examined the epistemic criteria of right and wrong reasons, it also suggested that WKR distorts the intentional aspect of the offeree's autonomous decision. However, questions remain about how WKR affects autonomy. Even when one decides not to consider WKR, their mere presence can make it rational to choose accordingly. This paper will explore this issue by connecting rational reasoning to the question of autonomy.

understanding of the offeree's intentions, the introduction of WKR remains concerning, particularly when WKR is highly appealing.

I. The Right and the Wrong Kind of Reasons

This paper seeks to unravel the coercive nature of “coercive offers”, which, though beneficial, appear coercive. Though the offeree consents to a beneficial offer, there is some sense that the option offered is a wrong type of consideration for consenting to the offer, which, additionally, undermines the offeree's autonomy in some sense or another.

Consider the classic example of the lecherous millionaire. Here, the millionaire's offer to pay for the woman's son's life-saving medical treatment seems to be unrelated to her decision of whether to consent to becoming his mistress. It is not only a morally impugned offer; it seems to present the wrong consideration for her decision whether to engage in a sexual relationship. The issue lies beyond her vulnerability or the excessiveness of the financial offer. Rather, it is about being the wrong kind of reason for the decision. Though financial incentives are certainly relevant to her dire circumstances and her son's medical needs, such considerations seem disconnected from the matter at hand, which is – the decision as to whether to become his mistress.

The same misalignment emerges in the plea-bargaining context. The problem is not merely the defendant's vulnerability or the perceived excessiveness of the plea offer. Even when accepting a favourable penal offer aligns with a rational cost-benefit analysis—potentially allowing the defendant to be freed from custody or avoid capital punishment— the question as to whether the defendant will receive a custodial sentence or community sentence seems to be unrelated to the defendant's consent to plead guilty and whether she admits the guilt.

The key question is, what makes some considerations the wrong or the right kind of reason? Reasons to act shape the agent's intention in her decision to consent to a particular offer, and distinguishing between "right" and "wrong" reasons requires examining the connection between the reason to act and the object of intention itself. Parfit's distinction between object-given reasons and state-given reasons provides a useful framework for analysis. Object-given reasons are those that pertain to the action or decision and concern the desirability of the object grounded in its intrinsic properties. In contrast, state-given reasons are grounded in the desirability of being situated in the desired state of action, bearing on the benefits of being situated in the state of having the pro-attitude towards the object. Simply put, they are provided by facts, not about what we want, but about our having this desire.²⁵

The distinction hinges on whether we desire something for the sake of the properties of the object of desire or for reasons which relate to the state and attitude of having the desire.²⁶ An archetypal state type of reason might be a pragmatic reason, which bears on the practical benefits of being in the desired state. On the contrary, epistemic reasons, which focus on the truth or the falsity (properties) of the object of belief, serve as an example of object-given reasons.²⁷

However, before applying this distinction, it is crucial to identify the object of the decision. Consent is an intentional decision which is dependent on the content of the object of intention.²⁸ In the case of the guilty plea decision, three potential objects can be identified: (1) the swift resolution of a case, (2) the admission of guilt, and (3) the act of accountability. Whereas penal

²⁵ Derek Parfit, 'Rationality and Reasons', in *Exploring Practical Philosophy: Essays in Honour of Ingmar Persson*, ed. D. Egonsson et al. (London: Ashgate, 2001), 17-39, p. 17.

²⁶ See elucidation in Wlodek Rabinowicz and Toni Rønnow-Rasmussen, 'The Strike of the Demon: On Fitting Pro-attitudes and Value', *Ethics* 114, no. 3 (April 2004): 391-423, p. 405, <https://doi.org/10.1086/381694>; Philip Stratton-Lake, 'How to Deal with Evil Demons: Comment on Rabinowicz and Rønnow-Rasmussen', *Ethics* 115, no. 4 (July 2005): 788-798, p. 791, <https://doi.org/10.1086/430491>.

²⁷ See Derek Parfit, *On What Matters* (Oxford; Oxford University Press, 2011), p. 51.

²⁸ See discussion in Larry Alexander, 'The Moral Magic of Consent (II)', *Legal Theory* 2, no. 3 (1996): 165-174, p. 165; Heidi M. Hurd, 'The Moral Magic of Consent', *Legal Theory* 2, no. 2 (1996): 121-146, p. 126.

considerations may be relevant to the object of swift resolutions, they are not grounded in the object of the decision as an act of admission of guilt or the act of accountability. In the assumption that the object of the guilty-plea decision is to produce an admission of guilt,²⁹ penal considerations do not bear on the properties of the object of the guilty-plea decision and thus cannot be viewed as an “object” type of reason. Penal considerations are evidently state types of reasons, as they pertain to the benefits of being situated in the state of pleading guilty rather than the object of pleading guilty and admitting guilt.³⁰

To take another example, consider the lecherous millionaire offering to pay the child’s medical bills provided the mother consents to become his mistress. The question is, what is the object of the woman’s consent? If the object is to engage in sexual relations with the lecherous millionaire, his financial offer does not pertain to the properties of the practice of the sexual activity. Conversely, if her consent is merely instrumental in obtaining financial benefits, then the financial offer may be relevant. However, since her consent is directed to becoming his mistress, the common view is that the object of consent lies in engaging in a sexual relationship. In this context, the relevant considerations may include love, mutual respect, attraction, and honesty – factors that pertain to the nature of the relationship itself. This analysis does not commit to specific considerations for the sexual activity, as they may vary. However, economic incentives seem to taint the decision with unrelated factors. While relationships motivated primarily by financial gain raise concerns about power imbalances and exploitation, the issue here is not exploitation but rather the appropriateness of the reasons guiding the decision. Financial incentives appear to be state-given reasons focused on the benefits of having made the decision rather than object-given reasons that pertain to the nature of the relationship itself.

²⁹ The guilty plea decision is often viewed as a legal mechanism which substitutes the proof of guilt for conviction, see Donald J. Newman, *Conviction: The Determination Of Guilt Or Innocence Without Trial*, 1966, p. 8.

³⁰ See analysis in my article on coercive plea-offers (omitted for anonymity) pp. 381-386.

This example highlights the concern arising from commodifying certain decisions and actions. Some decisions are widely regarded as inappropriate for commodification due to the moral, relational, or social values involved. This can be relevant to questions of selling organs, personal relationships, whether romantic or sexual, adopting a child and commercial surrogacy. However, the issue is not just about objectifying something of intrinsic value or the reduction of personal and emotional incommensurable goods into mere economic transactions.³¹ Rather, it is about the object of the decision and the rational relation of the consideration given that object.³² Take surrogacy, for example. Offering a woman a large sum of money to become a surrogate introduces economic incentives that do not pertain to the core decision to carry a child. Relevant considerations would include medical risks, family relationships, and alignment with personal beliefs. Here, economic incentives function as state-given reasons, which distort the decision-making process by introducing factors which do not pertain to the properties of the object of the decision

However, it is not always easy to draw a clear line between the right and the wrong kind of reason. For example, while paying for the woman's child's medical bills may be the wrong type of reason for her decision to become a mistress, some level of financial support might be relevant to sustaining her new lifestyle once accepting the role. Similarly, in the case of surrogacy, financial support may be needed to sustain the pregnancy. This makes it difficult to distinguish between the appropriate amount of economic incentive and the inappropriate amount, which renders it the wrong type of reason.

³¹ For a survey of the literature on the moral limits of the markets see Shai Agmon, 'The Moral Limits of What, Exactly?', *Economics and Philosophy*, 12 September 2024, 1–23. Agmon argues that theorists frequently conflate the terms markets, commodification, and privatisation. To provide clarity, he offers a taxonomy with four distinct dimensions: alienation, commodification, marketisation, and privatisation—each carrying different normative implications. When addressing objections to commodification, he contends that these critiques are rooted either in concerns about objectification or in reducing incommensurable goods to a common metric, see Agmon, 6–8.

³² Satz argues that agency decision-making concerns can arise in contexts like surrogacy or child labor, particularly regarding children who are not fully informed or aware of their own interests. See Debra Satz, *Why Some Things Should Not Be for Sale: The Moral Limits of Markets*, Oxford Political Philosophy (New York: Oxford University Press, 2010), pp. 157–59.

A similar complexity arises in plea-bargaining. Duff and others argue that the guilty plea is a performative act of accountability.³³ Given this conception, some penal considerations may be relevant, as accountability involves both the admission of guilt and the acceptance of its penal consequences. In this sense, penal considerations that reflect the defendant's guilt can be viewed as object-given reasons as they pertain to the properties of being held to account. However, only those penal considerations that genuinely reflect the guilt and are grounded in the properties of the act of taking responsibility can be considered object types of reasons. The challenge lies in determining when penal incentives become excessive and cross the line into irrelevance, particularly when guilt-correlativity is indeterminate. Sentencing ranges complicate this issue further, as multiple sentencing options may be deemed appropriate for the same offence, making it challenging to determine when the penal offer is irrelevant. Despite these complexities, one can argue that disproportionate penal incentives are unrelated to the question of guilt. Moreover, due to their excessive appeal, such incentives risk clouding the decision-making process with irrelevant considerations.

This complexity deepens in the context of employment contracts. While offering a long-term unemployed technician a job may not necessarily seem coercive, even if exploitive, the issue of WKR arises when the job includes tasks unrelated to the core job description, such as giving personal massages. This isn't about the legality or the moral appropriateness of the offer but about the relevance of the consideration that should guide the decision as to whether to accept the job. However, drawing the line as to whether the offer is related to the particular job is often blurry. While personal massages are obviously outside the scope of a technician's duties, working overtime might seem more plausible. Unlike cases of surrogacy, where

³³ In Duff et al.'s "calling-to-account" theory, the criminal trial is conceptualised as a process through which the political community calls defendants to account, whereby the act of pleading guilty is seen as a performative act of accountability, see Antony Duff et al., *The Trial on Trial: Volume Three: Towards a Normative Theory of the Criminal Trial* (Hart Publishing, 2007), pp. 169–70.

disproportional offers can be deemed off-limits, economic incentives, even if excessively disproportionate, are relevant to job offers. The challenge here is determining what tasks are appropriately related to the job's core responsibilities and what should be considered irrelevant to the core of the job description.

Further complexities exist. While some object types of reasons that are grounded in the object of the decision may be considered for some people as object types, others may consider the same type of reasons as mere incentives pertaining to the desired state of taking the decision rather than the object of the decision itself. Such can be the case with relevant penal or economic incentives. While they may be relevant to the object of the decision, others may consider these considerations as a mere incentive, regardless of whether they are related to the object in question.

Moreover, incentives, whether economic or penal, may act as a cost-benefit analysis as to whether to take the decision. Though typically, such cost-benefit analysis does not pertain to the properties of the object of the decision, it is nonetheless relevant to the question of whether to take the decision and hence object-given to the taking of the decision itself.³⁴ Such can be the case with a guilty defendant with no genuine desire to plead guilty who is eventually moved into pleading guilty solely due to the penal incentive, irrespective of whether the penal offer reflects the guilt or not. The same can be applied to an ambivalent surrogate who eventually consents to the offer due to the economic incentive, though she has already concluded for herself that she may potentially take the offer.

Schroeder suggests that due to the uncertainty surrounding state-given and object-given distinction, we should focus on the nature of the activity itself and the cost-benefit analysis

³⁴ See Schroeder's discussion on the ubiquity of state-given reasons, see Mark Schroeder, 'The Ubiquity of State-Given Reasons', *Ethics* 122, no. 3 (April 2012): 457-488, pp. 475-78, <https://doi.org/10.1086/664753> (Schroeder considers the unique character of withholding a decision as a lack of intention).

related to the decision.³⁵ Thus, while different considerations may be in the background of any decision, the core decision must be primarily motivated by the reason related to the nature of the decision. In the case of a guilty plea, as the nature of the decision is in the admission of guilt, at its core, it necessitates guilt considerations based on epistemic reasons rather than by unrelated penal incentives which are unrelated to the question of guilt. Similarly, in the case of surrogacy, as the nature of the decision centres on carrying a foetus, the primary decision should be driven by considerations related to the act itself, such as health considerations, whereas economic incentives, though lurking in the background, should not guide the decision. In contrast to these scenarios, disproportionate financial offers (whether exploitive or lucrative) in employment contracts are not necessarily unrelated to the nature of the decision, as the prospective employee had intended to fill the position at any rate, merely bargaining over the price of her consent. Rather, it concerns the tasks required to consent and their relevance to the nature of the job description.

All in all, while incentives – penal or economic – may sometimes pertain to the nature of the decision, in certain decisions, as mentioned above, disproportional incentives, evidently, do not pertain to the properties of the decision itself. It is not about the excessiveness of the offer, though the excessiveness makes the offer appealing and difficult to resist. It is about the introduction of WKR for the particular decision. Disproportionate penal incentives in plea-bargaining or excessive economic incentives in surrogacy or mistress scenarios, though beneficial according to a rational cost-benefit analysis, do not reflect the nature of the decision itself and, therefore, constitute the wrong kind of reasons for the decision.³⁶ Instead, disproportional offers serve as a state type of reason, as they are grounded solely in the

³⁵ Schroeder, p. 485.

³⁶ Consider the discussion on surrogacy compensation regulation in the U.S. and Israel. In the U.S., compensation is shaped by market forces, whereas in Israel, it is regulated by limits imposed on compensation amounts due to concerns of exploitation and undue influence. See Alisa Von Hagel and Daniela Mansbach, 'The Regulation of Exploitation: A Comparative Analysis Of Surrogacy Arrangements In Israel And The United States', *International Feminist Journal of Politics* 18, no. 2 (2 April 2016): 190-209, pp. 201–3.

properties of being situated in the state of taking the decision, bearing on the practical benefits of taking the decision.

II. Reasoning, Accommodation and Autonomy (as Non-Alienation)

The idea that coercive offers introduce wrong kinds of reasons (WKR) into the decision-making process highlights what is inadequate in the available option offered, albeit its beneficial character. It is not about the excessiveness of the offer or exploitation. It is about being the wrong kind of reason for the decision in hand. Having said all the above, the endorsed argument seems to step away from autonomy and voluntariness, resorting to a criterion of rationality that has nothing to do with autonomy. Specifically, this criterion focuses on the rational connection of the proposition to the decision at hand, raising the question of whether it truly addresses concerns about the offeree's autonomy.

As elucidated below, rationality and autonomous decision-making are deeply intertwined. At its core, autonomous decision-making involves the ability to make choices free from undue influence rooted in the agent's rational will. While we will discuss later what constitutes "undue" influence, the rational will is reflected in the offeree's consent to the proposition offered. Consent is an expression of autonomy; it embodies the individual's volition and carries normative weight, capable of altering rights and legal obligations.³⁷ For example, in plea bargaining, a defendant consents to waive their right to a trial by pleading guilty. In the case of the lecherous millionaire, the offeree's consent to a sexual relationship absolves the millionaire of any claims of misconduct that may arise.

³⁷ On consent's normative power see Felix Kooch, 'Consent as a Normative Power', in *The Routledge Handbook of the Ethics of Consent*, ed. Andreas Müller and Peter Schaber, 2018, p. 37.

Consent, moreover, is an intentional decision and is content dependent on the object of intention and the reason for the decision.³⁸ Accordingly, the offeree's consent to agree on the proposition is an intentional act toward a certain offer and is dependent on the reasons for taking the proposition. In any proposition – whether consenting to a sexual relationship or agreeing to a plea deal – there is a connection between the intention to take the offer and the reasons for intentions. In the context of plea-bargaining, for example, a defendant may consent to plead guilty for guilt-related purposes, such as taking responsibility and admitting guilt, or for penal objectives and the benefit of a swift disposition. In either case, intentions guide action based on the reasons deemed relevant.

Intentions play a vital role here. Intentions are more than passive responses to external stimuli; they represent the self-determination of the will, guided by reasons the agent deems relevant.³⁹ In this sense, intentions imply a kind of answerability in responding to reasons,⁴⁰ and responding to reasons requires understanding what counts as relevant.⁴¹ This reflects the rational means-ends nexus between the reasons motivating action and the intentions that guide it. Thus, autonomous decision-making is not simply about having choices—it's about choosing for the right reasons, and intentions play a key role in responding to relevant reasons.⁴²

³⁸ See discussion in Alexander, 'The Moral Magic of Consent (II)', p. 165; Hurd, 'The Moral Magic of Consent', p. 126.

³⁹ Faden, Beauchamp & King argue that intentionality, alongside "understanding" and "free from external control", is essential for autonomous action, see Faden, Beauchamp, and King, *History and Theory of Informed Consent*, pp. 241–48. For more on the nexus between intentional acts and agency, see Donald Davidson, 'Essay 3. Agency (1971)', in *Essays on Actions and Events* (Oxford, United Kingdom: Oxford University Press, Incorporated, 2001), pp. 46–47.

⁴⁰ Anscombe pointed out that whenever one acts intentionally, one is subject to a particular type of "why" question. See G. E. M. Anscombe, *Intention*, 2nd ed. (Oxford: B. Blackwell, 1963), p. 9. See also Pamela Hieronymi, 'Controlling Attitudes', *Pacific Philosophical Quarterly* 87, no. 1 (March 2006): 45–74, pp. 56–58.

⁴¹ Joseph Raz, 'When We Are Ourselves', in *Engaging Reason: On the Theory of Value and Action* (Oxford University Press, 1999), 5–21, p. 20.

⁴² Bratman argues that intentions shape which options to consider by offering reasons for action and highlighting the relevant considerations. See Michael Bratman, *Intention, Plans, and Practical Reason* (Cambridge, MA: Harvard University Press, 1987), pp. 33–34. In his planning conception of agency, Bratman holds intentional planfulness crucial for agency; see Michael E. Bratman, 'Reflection, Planning, And Temporally Extended Agency', in *Structures of Agency: Essays*, 1st ed. (New York: Oxford University Press, 2007), 21–46, pp. 27–28. For further discussion on Bratman's planning agency, see notes 64–66.

Moreover, while intentions are central to one's agency and autonomous decision-making, they also bear upon a more substantial notion of personal autonomy. Intentional action according to reason, is a form of freedom and self-expression, and Raz has argued that it is by engaging with reasons intelligibly that we are ourselves.⁴³ Autonomy, in this view, is not only procedural—it is about self-authorship, viewing persons as controlling their destiny by pursuing their self-chosen goals.⁴⁴ This involves shaping life plans and putting them into action through intentional acts which are guided by relevant reasons.

Shiffrin's justification of accommodation practices provides a helpful framework for understanding the importance of appropriate reasoning for sustaining autonomy. Accommodation involves adjusting social and institutional environments to allow individuals to act according to their beliefs and values without undue influence from irrelevant considerations. According to her, it is not just about supporting certain practices. It is about altering the circumstantial background environment so individuals can practice their beliefs based on relevant reasons without having irrelevant considerations clouding their decision-making. In this respect, removing unrelated considerations from the decision-making context ensures that decisions can be made according to reasons that genuinely reflect the individual's values and beliefs.⁴⁵

Consider, for example, accommodating religious practices in the workplace, such as allowing a Jewish employee to take time off for the Sabbath. Accommodating this religious practice enables religious employees to observe their religious duties while insulating considerations, such as economic necessity or other work-related obligations, which are unrelated to the religious practice itself. The idea holds the belief that people should have the

⁴³ J. Raz, "When We are Ourselves", in *Engaging Reason: On the Theory of Value and Action* (Oxford University Press, 2010), pp. 5-21, 20.

⁴⁴ Raz, 'When We Are Ourselves', pp. 369–70.

⁴⁵ Seana Shiffrin, 'Egalitarianism, Choice-Sensitivity, and Accommodation', *Reason and Value: Themes from the Work of Joseph Raz*, 2004, 270-302, p. 291.

ability to practice their religious beliefs according to relevant reasons, which are related to the properties of the belief and the practice itself. Though accommodating such practices may require others to work on that particular day and might even impose financial strain on the company, we support endeavours that we may even disagree with to ensure that the reasons deliberated by the agent are predominantly connected to the worth of the activity in her eyes.⁴⁶

An important clarification is needed here. While Shiffrin's analysis does not always make it clear whether she is addressing the objective worth of the activity or a subjective one, the discussion centres on the agent's autonomous decision-making. Consequently, this paper will focus on the agent's personal values and their perception of what constitutes the right kind of reason. Thus, the proper exercise of autonomy lies not in responding to objectively correct reasons but in acting upon the reasons that the individual finds valuable.⁴⁷

Accommodation, therefore, involves positively altering the environment to facilitate decision-making based on the right kinds of reasons. It is more than merely nudging someone by subtly changing the default choice architecture.⁴⁸ Accommodation involves deliberately reshaping external circumstances to better align with individuals' needs, limitations, or capabilities. This often involves significant changes to the decision-making environment,

⁴⁶ Shiffrin, pp. 289–91.

See also discussion in Seana Valentine Shiffrin, 'Paternalism, Unconscionability Doctrine, and Accommodation', *Philosophy & Public Affairs* 29, no. 3 (July 2000): 205–250, pp. 242–49. There, Shiffrin connects the contract law doctrine of unconscionability to her autonomy-based view of accommodation. This doctrine allows courts to reject contracts with exploitative terms. While the doctrine could be applied to coercive offers, as the doctrine's focus is on unfairness, not autonomy, its application to coercive offers is irrelevant. Although Shiffrin connects her discussion to her concept of accommodation, she does not examine how refusing to support exploitative behaviour enhances the autonomy of the exploited party—an issue this paper aims to explore.

⁴⁷ While I adopt a subjective account of autonomy, in his discussion on false consciousness and oppression, Enoch advocates for a more objective approach, arguing that a subjective perspective cannot adequately address issues of deep oppression. See David Enoch, 'False Consciousness for Liberals, Part I: Consent, Autonomy, and Adaptive Preferences', *Philosophical Review* 129, no. 2 (2020): 159–210, p. 181.

⁴⁸ For instance, nudging may involve gentle cues, disclosing information, issuing warnings, and altering default rules, all of which shape one's choice architecture, see Cass R. Sunstein, *Why Nudge?: The Politics of Libertarian Paternalism*, 1st ed. (New Haven: Yale University Press, 2014), pp. 17, 125. A concrete example is changing the default option in a retirement savings plan to automatically enrol employees unless they opt out. See Richard H. Thaler and Cass R. Sunstein, *Nudge: Improving Decisions about Health, Wealth, and Happiness* (New Haven: Yale University Press, 2008), pp. 109–10.

especially in contexts where individuals are subject to authority, such as in workplaces or institutional settings. By modifying conditions—whether through workflow adjustments, reasonable accommodations, or access to necessary resources—those in authority can help individuals make choices based on the right reasons, insulated from undue external pressure. According to this account, accommodation provides the opportunity to exercise autonomy by ensuring that the agent’s decisions align with their values and relevant reasons.

But does failing to offer accommodation amount to coercion or undermine autonomy? Not necessarily. While accommodation is a valuable practice that can advance one’s autonomy, the absence of accommodation does not automatically entail a coercive situation. Failing to accommodate leaves the existing environmental circumstances unchanged rather than actively imposing constraints or manipulating choices. This lack of intervention may leave those who need support in a vulnerable position, but it does not constitute coercion, nor does it undermine autonomy. It merely fails to support autonomy.

This is distinct from coercive offers, which introduce new considerations that were not initially present, often placing individuals in a compromised situation where they must depend on the offer to evade a dire circumstance. The key distinction lies in the default circumstances from which the decision is made. Whereas accommodation assumes a default environment cluttered with a mixed array of considerations wherein the role of accommodation is to strip away unrelated ones, coercive offers, by contrast, introduce wrong considerations that weren’t initially present, with the offeree dependent on the offer offered to advance her situation. As autonomy is exercised through choices and the variety of available options, coercive offers that involve choices that are guided by WKR move the agent into making a decision for the wrong reasons, particularly whenever they are excessively attractive and are the only available option to improve her situation.

However, it remains unclear why such propositions should be classified as coercive or in what ways, if any, they undermine autonomy. People often make choices and decisions within a complex background of circumstances and considerations which are frequently compromised. People do not choose their background circumstances, and there is no general right to have certain considerations available or exclude others.⁴⁹

Still, there is something problematic about coercive offers, which touches the offeree's autonomy and go beyond introducing WKR. In a series of papers, Enoch distinguishes between two distinct and related values of autonomy: Sovereignty and Non-Alienation.⁵⁰ While sovereignty is concerned with having the final say – where the decision in hand is that of the agent's control, non-alienation pertains to the extent to which an action or decision aligns with one's core commitment and values.⁵¹ To clarify, Enoch uses the example of the weakness of the will, where a person succumbs to the temptation of having a fancy desert despite a deep commitment to a strict dietary regime. In this case, the agent is sovereign enough to make a choice (assuming no external force altered the preference); yet, despite being in control, the action is contrary to her deep moral commitments.⁵²

In the context of coercive offers and the WKR analysis, the offeree's consent to WKR, despite being beneficial, conflicts with her deeper commitment to make the decision according to the right kind of reason. As noted above, when discussing the agent's commitments and deeper values, I adopt a subjective understanding of WKR – where acting on the right reason aligns with what one personally finds valuable rather than conforming to an objective standard

⁴⁹ If the offeree had a legal or moral right for certain considerations then an offer which exclude such consideration would be deemed coercive from a moral baseline account.

⁵⁰ David Enoch, 'Hypothetical Consent and the Value(s) of Autonomy', *Ethics* 128, no. 1 (October 2017): 6–36; Enoch, 'False Consciousness for Liberals, Part I'; David Enoch, 'Autonomy as Non-alienation, Autonomy as Sovereignty, and Politics*', *Journal of Political Philosophy* 30, no. 2 (June 2022): 143–65; D. Enoch, 'How Nudging Upsets Autonomy', *Journal of Philosophy*, 2024.

⁵¹ Enoch, 'False Consciousness for Liberals, Part I', p. 162; Enoch, 'How Nudging Upsets Autonomy', pp. 8–9.

⁵² Enoch, 'How Nudging Upsets Autonomy', p. 8.

of wrongfulness. Thus, similar to situations involving weakness of the will, consenting to WKR erodes one's autonomy as non-alienation.

However, while non-alienation captures a significant part of the issue, it doesn't seem to fully explain the whole problem of coercive offers. Many choice situations lead to decisions that deviate from core commitments, as seen in advertising, manipulation, nudging, and weakness of will. In such cases, one may voluntarily act contrary to her deep commitments. However, in the context of coercive offers, there is a sense that they, in some way or another, also undermine the agent's sovereignty.

What is it about coercive offers that compromises the offeree's choice? After all, given our characterisation of coercive offers, the offeree's decision is often a rational cost-benefit analysis favouring the offer's benefits over its costs. The offeree remains free to decline the offer, and even if it involves WKR, one can rationally and voluntarily prioritise the offer's benefits over core commitments. Moreover, this is not a simple case of "weakness of will," where the offeree lacks the strength to choose otherwise due to external or irrational forces. Coercive offers assume that the offer is beneficial and that it is completely rational to choose accordingly.

Still, there is some feeling that in the context of coercive offers, WKR is being imposed on the offeree.⁵³ This is where the imbalanced bargaining structure of the offer comes into play. Coercive offers often occur in vulnerable circumstances, with the offeree dependent on the offer to improve her vulnerable situation. It is being offered WKR as the only viable option to improve her dire circumstances, which imposes WKR on the decision-making process.

Yet, this doesn't do all the work. It is still unclear how WKR is imposed. Once the offer has been offered, the offeree is free to take the offer or decline. On the contrary, one may argue that

⁵³ Carr argues that interference with freedom involves imposing reasons that should not be considered in ordinary deliberation. However, he does not clarify how this imposition infringes on freedom. See Craig L. Carr, 'Coercion and Freedom', *American Philosophical Quarterly* 25, no. 1 (1988): 59-67, pp. 64-65.

adding an additional offer which had not existed beforehand enhances autonomy, as it provides greater freedom of choice with more choices available. Even the mere fact that WKR has been introduced into the decision-making process does not render it coercive. Reasoning is a first-person activity,⁵⁴ and it may be just the case that the offeree had initially intended to take such a decision and merely bargained the price of her consent. Such can be with a guilty defendant who bargains the price of a guilty plea⁵⁵ or a desperate woman who has already decided to engage in a sexual relationship with a lecherous millionaire seeking to gain some profit from the situation.

Thus, the problem does not arise in situations where the offeree had intended to consent to the offer at any rate. Instead, the problem occurs when the offeree views certain considerations as the wrong kind of reasons and had intended not to consider them. In such cases, the offer introduces WKR into the deliberation process, contrary to her initial intentions. If the offeree had always planned to consider WKR or had introduced the offer herself, even if based on flawed reasoning, the decision would be voluntary. Moreover, once such considerations are taken autonomously into the decision-making as the object of intention, they become object-type reasons rather than state-given reasons.⁵⁶

Hence, the problem is not the offeree's adherence to WKR on her own account but the mechanism of coercive offers, which engages WKR as the only available option despite initial intentions to act on relevant reasons. The offer's attractiveness merely exacerbates the problem, leading the offeree to consent to the offer. It is only when WKR is imposed upon the decision-

⁵⁴ While discussions of rational reasoning are often framed from an objective perspective, the act of reasoning itself is inherently subjective. See Christian Pillar, 'Content-Related and Attitude-Related Reasons for Preferences', *Royal Institute of Philosophy Supplements* 59 (2006): 155-181, p. 162; Schroeder, 'The Ubiquity of State-Given Reasons', p. 13.

⁵⁵ Euvrard and Leclerc's qualitative study of defendants pleading guilty while on remand found that pre-trial detention can act as an inducement rather than coercion, leading defendants, who had already intended to plead guilty, to plead guilty more quickly and on the prosecution's terms. Elsa Euvrard and Chloe Leclerc, 'Pre-Trial Detention and Guilty Pleas: Inducement or Coercion?', *Punishment and Society* 19, no. 5 (2017): 525-542, p. 535.

⁵⁶ Even Parfit acknowledges that when state-given reasons are desired as an object of desire, they are, in effect, object types of reasons. See Parfit, *On What Matters*, 51, Appendix A, pp. 420-432.

making process contrary to the offeree's intentions not to consider WKR —especially when she is dependent on the offer as the only available option to advance her situation—that the coercive nature of the offer becomes apparent.

Importantly, not all costly decisions that contradict one's intentions affect autonomy in terms of non-alienation. The critical factor is whether WKR undermine the offeree's deep commitments and values, with the offeree reluctantly consenting to the offer despite inner resistance. This is especially significant in major decisions, such as entering a sexual relationship or pleading guilty in a criminal trial, where consenting for the right reasons is vital for maintaining one's inner self.⁵⁷

Having that in mind, while the coercive effect occurs when the offer introduces WKR contrary to the offeree's intention not to consider those factors, it remains obscure how these reasons are imposed. Once WKR enters the decision-making process, even if the offeree initially intended to act according to the right kind of reasons and exclude WKR, the offeree cannot turn a blind eye to the consideration that has become available. She may choose to embrace such considerations or reject them. Though she may have wanted not to have WKR in her decision-making process, once introduced, these new considerations could prompt the offeree to adapt her preferences, particularly if they are beneficial.⁵⁸ Thus, even though the

⁵⁷ In the context of plea bargaining, extensive literature examines inconsistent pleaders—defendants who plead guilty in court while maintaining their innocence outside of it. A UK study by Baldwin and McConville (1975-1976) found that 57.8% of defendants pleaded guilty despite claiming innocence. See John Baldwin and Michael McConville, *Negotiated Justice: Pressures to Plead Guilty* (Martin Robertson London, 1977), pp. 59–63. Similarly, a 2006-2007 study in Israel found that 15% of interviewed defendants pleaded guilty while denying the allegations, see Kobo, *Inconsistent Pleadings in Court: Pleading Guilty and Claiming to Be Innocent* (Nevo Publishing, 2009), p. 289.

⁵⁸ While I have framed the offeree's consent as adaptive preference, the literature on the adaptive preferences autonomy flaw is not applicable to coercive offers. Adaptive preferences arise when options are limited, whereas coercive offers introduce a new option that was previously unavailable. For the main literature on adaptive preferences see Jon Elster, *Sour Grapes: Studies in the Subversion of Rationality* (Cambridge University Press, 1983) (arguing that a preference adaption due to external reasons is irrational and nonautonomous); Donald W. Bruckner, 'In Defense of Adaptive Preferences', *Philosophical Studies* 142, no. 3 (February 2009): 307–24, <https://doi.org/10.1007/s11098-007-9188-7> (arguing that what separates a rational from a non-rational adaption is the endorsement of the preference upon reflection); Enoch, 'False Consciousness for Liberals, Part I' (the infliction of injustice in the causal history of one's adaptive preference renders it as an autonomy flaw).

offeree may have wished to resist WKR, their introduction can lead to a voluntary decision, albeit one that compromises their deep commitments. And it is completely rational and voluntary to do so.

For instance, in the "lecherous millionaire" scenario, a woman is offered financial support for her child's medical bills in exchange for engaging in a sexual relationship. Even though she would have preferred not to consider economic incentives in decisions about intimacy, once the offer has been presented, she cannot disregard the fact that this consideration is now available. She might decide it is not worth it, to ignore the consideration, or she might consent, prioritising her child's health even if it conflicts with her core values. Similarly, in the plea-bargaining context, a defendant cannot disregard the fact that a plea offer of a time-served sentence has been offered, especially if it could lead to a swift release and reunion with her family. Thus, even if the consideration feels inherently wrong and the offeree initially wished such factors were not part of the decision, she may nonetheless embrace them once they are introduced.

On a more general note, it is unclear how reasons can be truly imposed in a way that overrides autonomy (as in sovereignty). The offeror or the offer itself cannot force the offeree to take certain reasons into consideration. One can impose a decision. However, imposing a certain decision overrides the rational deliberation process. Plainly speaking, taking reasons into consideration is an active act of rational decision-making.⁵⁹

In the context of coercive offers, we are not discussing a situation where the offeree forfeits her autonomous judgment by subjecting herself to the offeror's will. Rather, we are discussing a situation where the reasons are inserted externally into the decision-making process by the

⁵⁹ Raz claimed that we are active when we display sensitivity to reasons, see Raz, 'When We Are Ourselves', pp. 11–16, 19. In a similar vein, Bennett identified voluntariness as responsiveness to practical reasons, see Jonathan Bennett, 'Why Is Belief Involuntary?', *Analysis* 50, no. 2 (1990): 87–107, p. 90, <https://doi.org/10.2307/3328852>.

proposition offered. The offeror cannot force the offeree to embrace certain reasons. Though the offeree may not have wanted to have those reasons in the first place, the introduction of a reason—whether right or wrong—prompt the offeree to reconsider her decision while taking the new reason into account. Thus, the offeree adapts her preferences based on this new reason. Although coercive offers may alienate the offeree from her deep commitments and values, once introduced, the offeree may reject or embrace WKR in her deliberation process, regardless of whether it is the only option available. Thus, the question yet remains. In what sense does introducing WKR into the decision-making process undermine the offeree's sovereignty and freedom of choice?

III. Autonomy (as Sovereignty), High-order Desires and Coercive-offers

In this section, I will argue that the offeree's volition to have certain reasons available in the decision-making process – or to exclude others – represents a higher-order desire. This higher-order desire reflects a preference not merely for a particular outcome but for the kinds of reasons and motivations that should influence the first-order decision-making process. Building on this, I will contend that while coercive offers satisfy a first-order preference by presenting rational benefits for consenting to the offer, they can simultaneously violate the offeree's higher-order desire to refrain from acting from such reasons in the first place. More importantly, though the offeree is sovereign to decline the offer, making WKR the only available option to advance her vulnerable situation leads the offeree to choose an option that conflicts with her deep commitments. This, as argued, not only undermines the offeree's autonomy in terms of non-alienation but also impairs the appropriate connection between

sovereignty and higher-order commitments, by sovereignly consenting to an offer that alienates her from her inner self.⁶⁰

Having introduced the overall claim, a more delicate inquiry into the offeree's higher-order desire is required. The premise is that certain decisions require specific reasons to be considered in the decision-making process, while other reasons may be irrelevant, inappropriate or outright wrong. From this premise, individuals may seek to avoid acting according to WKR. A reason to refrain from acting on certain reasons is a second-order exclusionary reason.⁶¹ This exclusionary reason can be grounded in the wrongness of the reason and the concern that it may overshadow the relevant reasons. For these reasons, individuals might seek to exclude WKR from the deliberation process to avoid clouding their judgment. This is especially critical in significant decisions that deeply affect one's life and well-being—such as entering a romantic or purely sexual relationship, becoming a surrogate, making important career choices, or accepting a plea in a criminal trial. In such cases, individuals may intentionally exclude certain reasons, recognising their potential to distort the decision-making process in ways that conflict with their underlying values or aims. Thus, by deliberately excluding certain types of considerations—such as financial or penal incentives—individuals may enhance their autonomous decision-making, focusing on reasons that align with their values and goals.⁶² This process allows individuals to form a second-order exclusionary reason, which in turn grounds a higher-order desire to exclude those considerations from the decision-making process.

⁶⁰ Enoch builds on this connection in his case against nudges, arguing that Nudging offends against the ideal of personal autonomy by severing the appropriate connection between sovereignty and non-alienation. See Enoch, 'How Nudging Upsets Autonomy'.

⁶¹ Joseph Raz, *Practical Reason and Norms* (Oxford: University Press, 1999), p. 39.

⁶² Raz has famously articulated the structure of exclusionary reasons. His articulation of exclusionary reasons in relation to authority and autonomy demonstrates how subordinating one's judgement to authority can be compatible with one's autonomous second-order reasons, see Joseph Raz, *The Authority of Law: Essays on Law and Morality* (Oxford: Clarendon Press, 1979), pp. 26–27. If subordinating one's judgement to authority can be compatible with autonomy, all the more so if the exclusion of irrelevant reasons ensures that one's decision-making is made according to relevant reasons.

More importantly, this higher-order desire regarding the reasons available and the attitude towards those reasons plays a pivotal role in rational agency and autonomy. It reflects an individual's capacity for self-governance by ensuring that decisions are guided by principles one endorses. Raz argues that reason makes us intelligible to ourselves, and it is through reason that we can direct our lives by acting, choosing, deciding, and believing according to reasons.⁶³ However, this higher-order desire goes beyond the basic first-order desire to make a particular decision according to reasons — it is concerned with shaping the kinds of reasons that should influence the decision. It involves a deeper level of self-reflection and self-determination, where the individual not only considers what she wants or the desires she wishes to have but also actively controls the structure of the decision-making process and the types of reasons that should play a role.

In his planning theory of agency, Bratman connects the agent's capacity to plan according to reasons within a hierarchical model of autonomy, where higher-order conative attitudes govern first-order desires.⁶⁴ His assertion is that self-governing policies are essential to practical reasoning, allowing individuals to reflect on and decide which desires and motivations should influence their actions. These policies go beyond immediate desires; they enable individuals to form decisions by planning and intending for certain reasons to have an effect on action.⁶⁵ They align reasoning with broader commitments and values, ensuring that

⁶³ Raz, 'When We Are Ourselves', p. 20.

⁶⁴ See his Michael E. Bratman, 'Autonomy and Hierarchy', in *Structures of Agency: Essays*, 1st ed. (New York: Oxford University Press, 2007), 162–86.

⁶⁵ Bratman first developed his planning theory of intention in Bratman, *Intention, Plans, and Practical Reason*. Following Velleman's critique (J. David Velleman, review of *Review of Intention, Plans, and Practical Reason*, by Michael E. Bratman, *The Philosophical Review* 100, no. 2 (1991): 277–84.), he revised his theory his theory into a broader conception of agency and autonomy. Bratman emphasises both reflectiveness and intentional planning as essential to agency, arguing that intentions guide which options to consider by providing reasons for action and highlighting relevant considerations. See Bratman, 'Reflection, Planning, And Temporally Extended Agency', pp. 27–28; Bratman, *Intention, Plans, and Practical Reason*, pp. 33–34.

autonomous agents govern not just their actions but also the reasoning process that leads to those actions.⁶⁶

Returning to the context of coercive offers, introducing WKR into the decision-making process may conflict with the offeree's higher-order desire to exclude them from the deliberation process. Therefore, while coercive offers may satisfy one's first-order desire to make the decision according to the beneficial but wrong consideration, it impinges on the offeree's higher-order desire relating to the types of reasons the offeree wishes to have available in the decision-making process.

Having said that, while introducing WKR may conflict with the offeree's higher-order desire not to have WKR available, even if the offeree had such a higher-order desire, why should introducing such a reason into the decision-making process undermine sovereignty? After all, the offeree has full control over whether to take the offer or not, and though we had already established that it may contradict with the offeree's deep commitments, she may sovereignly choose to consent to an offer that alienates her from her principles. Moreover, reasons are always there. What does it matter if WKR had been introduced by the offer or any other mechanism?

Suppose the agent is on a diet and decides to eat only based on health and not on considerations of sweet taste. Does offering the agent a piece of cake render the offer a coercive offer? Such a conclusion is far-fetched. Even if she has a higher-order desire to exclude certain reasons from the decision-making process, the mere introduction of WKR (sweet cake) does not render the offer coercive.

⁶⁶ Bratman, 'Autonomy and Hierarchy', pp. 167–68; Bratman, 'Reflection, Planning, And Temporally Extended Agency', pp. 35–36.

The issue here extends beyond the first-order decision as to whether to take the offer according to WKR or not (sovereignty), and the conflict with the offeree's higher-order desire to exclude WKR from the decision-making process (non-alienation). The core problem lies in having WKR presented as the only option to alleviate the offeree's dire situation. For instance, in the sweet cake example, if the offeree has not eaten all day and the cake is the only option available, the offer becomes coercive. If alternative choices aligned with the right kinds of reasons existed, such as healthy dietary options, the offeree could make a voluntary and rational choice that reflects her deep commitments.⁶⁷

When WKR is the sole alternative, particularly in vulnerable situations and the offer is excessively beneficial, the offeree is moved into consenting to an option that violates her inner values. Although she retains the sovereignty to decline the offer, the presence of WKR as the only rational available choice impairs the appropriate connection between sovereignty and non-alienation, as it leads the offeree to sovereignly choose an option that alienates her from her inner self.

Coercive offers compromise a fundamental aspect of autonomy: the ability to act as a self-governing agent. These offers disrupt the individual's capacity to shape her reasoning according to values that reflect her core principles. By introducing WKR as the only viable option to improve the offeree's dire situation, coercive offers create a rational incentive that conflicts with her higher-order desires and beliefs. Consequently, even though the offeree retains the freedom to reject the offer, the structure of coercive offers presents a rational incentive that misaligns with her beliefs and values, ultimately impairing her autonomy to pursue life plans according to her principles and values.

⁶⁷ Raz views "[T]he ideal of autonomy requires only the availability of morally acceptable options." See Raz, *The Morality of Freedom*, p. 381.

Having said all the above, the idea that individuals have specific higher-order desires regarding the types of reasons they want to consider when deciding whether to consent to an offer may seem somewhat abstract and detached from everyday reality. The argument presupposes that individuals possess well-formed higher-order desires about their decision-making processes, which is not always the case. Decisions are often made against a backdrop of mixed reasons, and individuals may not consciously identify which types of reasons they prefer to guide their decision-making. In many real-world scenarios, people do not give much thought to the kinds of reasons they want to consider. Therefore, a beneficial offer that includes WKR might not necessarily conflict with an individual's higher-order desires. In fact, one could argue that most people do not pre-emptively limit themselves to specific types of considerations when making decisions.

However, when it comes to significant decisions—such as becoming a surrogate, entering a sexual relationship as a mistress, or pleading guilty—people are generally aware of the implications and demands of their choices. These decisions often have profound effects on an individual's life and well-being. Given the standard objective nature of such decisions and the types of reasons that should inform them, individuals may generally expect to engage with relevant reasons, even if they haven't fully reflected on them in advance.

For example, when deciding to become a surrogate, one would generally expect that the reasons guiding the decision would align with the nature of the decision itself, whether to become a surrogate. Similarly, a defendant considering a guilty plea would typically expect to base her decision on guilt-related reasons, consistent with the normative objective of pleading guilty. In this context, she might consciously choose to exclude unrelated penal considerations from her decision. However, even if she has not explicitly formed a higher-order preference,

she may still anticipate making the decision based on relevant reasons, given the standard normative expectations.

While our discussion on autonomy has assumed a subjective perspective on WKR, without positive knowledge of the agent's personal values, an objective standard of WKR is to be assumed. According to this standard, the distinction between right and wrong kinds of reasons is guided by correctness tied to the nature of the decision.⁶⁸ While this objective standard may not always align with an individual's first-person perspective, since intentional actions often correspond to one's conception of the act in question,⁶⁹ it is reasonable to presume that most people prioritise reasons that reflect the objective nature of the decision. Therefore, unless indicated otherwise, we can assume that the offeree would prefer to rely on second-order exclusionary reasons that exclude the WKR from the decision-making process. This is particularly evident in the context of significant decisions such as pleading guilty, engaging in a sexual relationship or deciding to become a surrogate. This is also applicable to accepting a job offer. Though it may be difficult at times to distinguish between the right and the wrong kind of reason, if a consideration is clearly irrelevant—such as an offer to perform massages for a technician position—it is reasonable to assume that the offeree would prefer to exclude it from her decision-making process as to whether to take the technician position.

The crux of the argument is that coercive offers, while satisfying the offeree's first-order desire to accept a beneficial offer, may violate her second-order desire not to be influenced by WKR. This may also entail a higher-order desire not to have WKR presented as an option.

⁶⁸ Mark Schroeder, 'Value and the Right Kind of Reason', 2010, pp. 8, 24; Rabinowicz and Rønnow-Rasmussen, 'The Strike of the Demon', pp. 410–11.

⁶⁹ Beauchamp, 'Autonomy and Consent', p. 66; Robert M. Nelson et al., 'The Concept of Voluntary Consent', *The American Journal of Bioethics* 11, no. 8 (August 2011): 6-16, p. 10, <https://doi.org/10.1080/15265161.2011.583318>.

However, the problem is not in the mere introduction of WKR. It is about having WKR offered as the only viable option, creating a rational incentive to consent to an offer which conflicts with her deep commitments. This undermines the appropriate connection between sovereignty and non-alienation, as it leads the offeree to sovereignly choose an option which runs against her self-guiding principles.

While this argument assumes the offeree possess a high-order desire to exclude certain types of reasons, even in the absence of such explicit intentions, given the nature of particular decisions, one should assume that the offeree anticipates taking the decision according to the right kind of reasons. Thus, even if the offeree's intentions are unclear, the introduction of WKR from an objective standpoint is problematic, for the mere sake that it may be coercive, particularly when WKR is highly attractive.

It's important to note that not all coercive offers are inherently problematic. For instance, offering a child a trip to the playground contingent on tidying up the living room—despite the child not being responsible for the mess— exhibits the coercive characteristics of a coercive offer. While the offer presents a beneficial choice, the child may feel that such demands conflict with his values, particularly if she feels she is not to blame for the mess. Having the option to go out to the playground as the only available option to get some fresh air, with the child dependent on the offer to improve her situation (assuming there isn't any playground in walking distance), may lead her to consent to tidy the room for the wrong reasons – reasons which are unrelated to her actual responsibility for the mess. While this example may exhibit the characteristics of coercive offers as portrayed in this paper, it would be difficult to describe such an offer as problematic.

However, in critical decisions that significantly impact one's life and welfare, coercive offers become concerning. In these cases, it is essential to accommodate the right types of

reasons by excluding WKR from the proposition offered. If necessary, we should also alter the structural environment to prevent WKR from being introduced.⁷⁰ By focusing on providing options that align with the offeree's higher-order volitions and excluding WKR from the decision-making process, we can ensure that the offer fosters choices that respect individual autonomy and are based on relevant reasons.

Conclusion

Gerald Dworkin argues that a person can choose to act against her desires without rendering the act unfree. What matters is her attitude toward the reasons for her actions and whether she identifies with those reasons, which makes her actions autonomous.⁷¹ While Dworkin builds on Frankfurt's hierarchical self, focusing on the alignment between second-order identification and first-order motivations,⁷² both overlook the reasoning structure underlying first-order desires. Unlike the weakness of the will, where an agent is moved according to a "force other than his own",⁷³ coercive offers present a scenario where the reasons supporting the first-order desire are beneficial and voluntarily accepted. Nonetheless, these reasons may still influence the decision-making process in ways that conflict with the offeree's inner commitments.

Reasons stand at the ground of desires, and engaging with reasons makes us ourselves. Although further research is needed to fully explore the relationship between second-order desires and reasons within a hierarchical framework of the self, this analysis provides valuable

⁷⁰ In my article on coercive plea-bargaining, I advocated for restructuring the plea-bargaining framework to prevent the introduction of WKR. See (omitted for anonymity), p. 392.

⁷¹ Gerald Dworkin, 'Acting Freely', *Nous*, 1970, 367-383, p. 381. Elsewhere, Dworkin considers the capacity to identify or reject preferences as a fundamental aspect of autonomy, Gerald Dworkin, *The Theory and Practice of Autonomy* (Cambridge: University Press, 1988), pp. 15–20.

⁷² According to Frankfurt, we identify with a desire if we want it to move us to action. See Harry G. Frankfurt, 'Freedom of the Will and the Concept of a Person', in *The Importance of What We Care About: Philosophical Essays* (Cambridge University Press, 1988), pp. 15, 19.

⁷³ Frankfurt, p. 18.

insights into the complex nature of coercive offers. By introducing WKR into the decision-making process as the only viable option to improve the offeree's dire situation, coercive offers lead individuals to act for reasons that, though satisfying their first-order desires, conflict with their higher-order desires not to be influenced by certain types of reasons. This impairs the appropriate connection between sovereignty and non-alienation, with the offeree sovereignly choosing an option which conflicts with her inner commitments.

The issue extends beyond rational decision-making. It strikes at the core of autonomy and the idea of autonomous self-governing agents. By offering WKR as the only available option, coercive offers lead individuals to consent to an offer based on factors they would otherwise reject, undermining their inner commitments and eroding their capacity for genuine self-governance.