Communication, Coercion, and Prevention of Deadly Conflict

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COMMUNICATION, COERCION, AND PREVENTION OF
DEADLY CONFLICT

By

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To my parents.
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ABSTRACT

This dissertation examines coercion in its relationship to persuasion and conflict resolution and prevention. Building on the analysis of coercion by Alan Wertheimer, this dissertation offers a new conceptualization of coercion as a communication phenomenon and examines how existing conceptualizations of coercion may be shaping both the discourse on international conflict and practical approaches to its resolution. It also offers a discussion of several key implications of the revised conceptualization of coercion for the theory and practice of conflict resolution and prevention and outlines second-order changes necessary for the creation of a workable conflict prevention protocol capable of averting deadly conflict. The theory of conflict prevention by John Burton serves as a starting point for the analysis of the theory and practice of conflict resolution and prevention.

The author argues that coercion is a bona fide mode of communication, closely related to persuasion. Contrary to the assumption underlying other analyses, coercion is not a single conceptual entity. Rather, the term has at least two distinct meanings, coded in the dissertation as moralized and sociological. The chief factor that defines coercion within the framework of sociological discourse is the source of punishment threatened by the sender. Within the framework of moralized (ordinary language) discourse, the key factor that separates coercion from other modes of influence is the legitimacy of the threat. Freedom of choice and rationality do not separate persuasion from coercion.

Building on the analysis of coercion in part 2 of the dissertation, part 3 offers an examination of the current state of the theory and practice of conflict resolution and prevention through the lens of Applied Behavioral Analysis and Performance Management. The author challenges several dominant assumptions about conflict, such as the assumption that negotiation, mediation, or problem solving are always the best means of resolving deadly conflicts. He concludes that the exclusion of legitimate coercion from the arsenal of conflict resolution and prevention is at the root of the systemic failure to end deadly conflict.
CHAPTER ONE

INTRODUCTION TO THE STATEMENT OF RESEARCH PROBLEM

Introduction

During the last two decades, existing theories of international conflict resolution have been subjected to harsh criticism by a number of scholars for making incomplete diagnoses of international conflict and offering prescriptions that “may be only partially helpful, or helpful only for particular types of conflicts” (Holsti, 1988, p. 107). Moreover, it has been suggested that traditional approaches to conflict resolution, along with traditional concepts of law and order and traditional processes of power bargaining and mediation – in other words, the very foundations of the field – are often at the root of the problem (Burton, 1986, p. 50-51). This dissertation aims to offer a communication perspective on the causes – and, possibly, remedies – of some of the limitations of existing conflict resolution theories by:

a) providing a critical analysis of commonly accepted assumptions regarding the relationship among communication, coercion, and conflict;

b) exploring how existing conceptualizations of coercion shape the discourse surrounding the theory and practice of international conflict resolution and prevention.

The introduction to the statement of research problem incorporates two sections, which constitute the first chapter of this dissertation. First, the importance of the dissertation topic is addressed. In the second section, potential significance of the study is discussed. The first chapter is followed by a literature review and statement of research questions. Finally, the third chapter outlines the critical methodology guiding this study.
Importance of the Topic: A Need for Reevaluation of Fundamental Assumptions Underlying Conflict Theory

One of the major flaws in contemporary conflict theory identified by several authors is its reliance on implicit assumptions, which have been justly called signs of an atheoretic approach to research (Ruben, 1978, p. 202-210). Holsti (1988) provides the following examples of such assumptions:

a) Parties involved in conflicts “maintain only conditional commitments to their demands,..., [so] both parties can be convinced that they will prefer a compromise outcome (or withdrawal) to a test of military strength”;

b) “Many, perhaps most, conflicts are the result of misunderstanding, misperceptions, faulty decision-making processes, and poor predictions about the results of the use of force”;

c) “Adversaries can reach agreements short of the use of force if they get to know each other, eliminate their mutual misunderstandings, and acknowledge each others’ needs” (p. 111-112).

Assumptions such as those mentioned above directly shape our view of international conflict, and resultant conceptualizations often suggest application of strategies that are not likely to produce desired effects. It has been observed, for example, that major conflict resolution efforts by the United Nations are usually made only after a conflict has reached the crisis stage and military force has been used – “exactly the stage when the expectations of conquest are highest and therefore the acceptance of outside intervention the lowest” (Holsti, 1988, p. 118).

Devising new, more effective approaches to conflict resolution will require development of a more accurate understanding of the nature and dynamics of international conflict, which will need to involve critical examination of fundamental assumptions underlying contemporary conflict theory. Analysis of one such assumption will be at the center of this study.

Study of Conflict and Coercion as Communication Phenomena

Since the beginning, conflict resolution has been a truly interdisciplinary field of study. Yet, the diversity of the disciplines claiming conflict as an object of their study did not always translate into diversity and richness of theoretical and methodological approaches. For example, until recently, students taking conflict resolution courses at communication departments were likely to be assigned the same readings as their counterparts investigating conflict within the frameworks of sociology and political science. Recent years have brought a welcome change in the form of a number of studies that approach conflict as a communication process. Still, some of the problems that plague the conflict resolution field appear to be stemming from unresolved issues in communication theory. The place of coercion in communication and conflict studies is a case in point. Despite the presence of obvious elements of communication in most situations identified as coercive, communication field has paid very little attention to this

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1 See, for example, Borisoff & Victor (1998), and Lulofs & Cahn (2000).
2 See chapter V for examples and detailed analysis of coercion.
mode of influence, which typically is not granted more than a paragraph in communication textbooks. The place of coercion in conflict resolution studies is more visible, though. Assumption that the use of coercion is to be avoided in conflict situations is a prominent feature of contemporary theories of international conflict. Practitioners of conflict resolution are advised to resort, instead, to negotiation, mediation, arbitration, creative problem solving, and other “non-coercive” means of overcoming differences. However, the term coercion is rarely defined, and even more rarely explicated. This is hardly surprising, given the fact that implicit theoretical assumptions – such as those mentioned in the beginning of this chapter – are often accompanied (and, likely, influenced) by vaguely defined terminology. As philosopher Willard Quine noted, “The less a science has advanced, the more its terminology tends to rest upon an uncritical assumption of mutual understanding” (quoted in Reinard, 1998, p. 58). Overall, the assumption regarding coercion appears to result from its rejection on philosophical/aesthetic grounds, rather than systematic analysis of this mode of influence. Filling this gap will be one of the goals of this dissertation.

**Prevention as a Conflict Resolution Strategy**

Students of international conflict have traditionally focused almost exclusively on its resolution, management, settlement, and transformation as far as practical approaches are concerned. Conflict prevention has been viewed as little more than a desirable, but hardly achievable long-term goal. It did receive some serious attention from theorists and practitioners of international law. It is important to note, though, that the legal perspective is situated within restrictive boundaries of existing laws (such as the Charter of the United Nations), accepted legal norms, and assumptions which were developed when conflict resolution as a field of study was still in its infancy. It would be hardly surprising, then, if some of the legal norms that define contemporary international law and are taken for granted in legal research were also found to act as obstacles to successful conflict resolution. Consequently, caution should be exercised in accepting results of conflict research conducted from the legal perspective. Apart from legal research, though, as far as theory development is concerned, prevention of violent conflict lies in mostly uncharted waters. (One, though certainly not the only, notable exception is John Burton’s theory of conflict prevention, which will be reviewed in the next chapter.)

However, as this dissertation will demonstrate, it is the very nature of international conflict, which is marked by unique characteristics not found in other types of conflict, which makes prevention not only a highly desirable end goal, but also a necessary pre-condition for effective use of traditional techniques (such as negotiation and mediation). The importance of conflict prevention has been recognized by the Secretary General of the United Nations, who in March 1987 established the Office for Research and the Collection of Information “to monitor trends...[and] to improve early warning of potential conflicts...” (Ramcharan 1991, p. 7). Yet, more than a decade later, despite the attention it has

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3 See, for example, Ramcharan (1991).
4 Part Two will provide a detailed discussion and examples.
received from students and practitioners of international law, prevention has not been brought to the foreground of conflict theory. Consequently, preventive measures are carried out without sufficiently developed theoretical foundation. Establishing such a foundation will be one of the main goals of this dissertation.

Potential Significance of the Study

This work will have several implications for both theory and practice. First, a critical examination of the concepts of conflict and coercion within communication framework will improve our understanding of both phenomena. (Analysis of coercion as a mode of communication – largely ignored by contemporary communication theory – is particularly long overdue.) Second, by examining the place of prevention in the context of contemporary conflict theory and research, the dissertation will fill a gap in the theory of international conflict. Third, theoretical findings of this study will establish a foundation for evaluating existing and developing new policies, which will enable more effective handling of international conflicts. Finally, the dissertation will offer suggestions regarding implementation of preventive policies into the practice of international relations.
CHAPTER TWO

REVIEW OF RELATED LITERATURE AND RESEARCH

Introduction: Coercion and Prevention in Communication and Conflict Resolution Literature

An unwelcome sibling of persuasion, coercion has been traditionally avoided by communication scholars as an object of study. More than twenty years ago, Miller (1980, p. 12) noted that some students of persuasion find it “distasteful to ponder the indirectly coercive dimension of many persuasive exchanges,” because controlling others’ behavior by dispensing rewards or punishments “conflicts with the way persuasion ought to function in a democratic society”:

One generally shuns the coercive label as the plague, takes pains to deny that he is bribing others when he offers them inducements, and represents himself as a persuader if possible, as someone using “rational persuasion.” Persuasion is especially valued as an instrument of democracy.... Officials of government proudly proclaim that ours is a system run by persuasion.... Inducements and constraints are said to have no place in ideally democratic forms of government: they are the coinage of the realm of corrupt governments or of totalitarian regimes (quoted in Simons, 1974, pp. 174-175).

Little has changed since the 1970s and the 80s. Coercion remains an outcast in communication research, and the only time when most students of communication examine coercion, is when they define persuasion and respond to the need to separate the two modes of influence, as if to ensure that coercion does not accidentally become an object of their research, while some textbooks on persuasion (including the most popular ones) ignore the subject altogether.

Examination of coercion as a communication phenomenon will be at the center of this study. Since Part II of the dissertation – devoted to exploring the notion of coercion and its relationship to communication and conflict – will include an extensive critical analysis of existing conceptualizations of this notion,
this literature review is focused on the examination of the second focal point of this study – conflict prevention.

Like coercion, prevention of conflict, although viewed by many as a desirable long-term proposition, has been largely ignored by students of international conflict. Instead, traditional approaches are designed to deal with conflicts as they emerge. One notable exception is the theory of conflict prevention by John Burton, which will serve as a theoretical point of departure for the present study. This literature review – focusing on Burton’s theory as presented in his 1991 book, Conflict: From Resolution to Provention – will frame the present study, outline the research problem, and lead to the formulation of research questions, which are stated in the final section of the chapter.

Overview of John Burton's Theory of Conflict Prevention

Burton’s theory of conflict is grounded in the human needs theory, which draws a “distinction between interests that are negotiable...and values and needs that are not...” (Burton, 1991, p. 40). Needs of growth and development are two examples of “ontological and genetic needs that will be pursued,” regardless of consequences (p. 33). This means that deterrence and coercion-based approaches are ineffective when applied to conflicts that arise when these needs are not satisfied. The distinction between negotiable interests and non-negotiable needs and values leads to the identification of two types of conflicts: “those that are subject to the application of social and legal norms, and those that are not” (13).

Another important distinction drawn by the author is between conflicts over scarce resources, and conflicts over resources that are not in short supply. (The latter often happen to be conflicts that cannot be controlled by coercive means.) Significantly, Burton notes that many conflicts that appear to be over scarce resources are, in reality, about non-material issues, such as identity and autonomy (p. 46). Labor strikes in relatively high wage countries are one example of such conflicts: Burton writes that wage demands in such conflicts are a “disguise for other grievances relating to working conditions in which personal identity is lost.” Since such grievances are “hard to articulate and quantify...wage demands and strikes are a useful means of showing frustration” (p. 55). Material resources and conditions then act as “satisfiers of non-material human needs” (p. 60), by providing “the means by which to pursue security, or some other goal, in circumstances in which it is denied or threatened” (p. 61).

If one accepts the idea that conflicts are results of unsatisfied human needs, it follows then that “the major source of social conflict at all levels is within institutions and structures, and not within the discretion of the individual, or the identity groups to which individuals look for support” (p. 147). And if that is true, then our approach to conflict should be based not on coercing individuals involved in the conflict, but changing the system which denies the satisfaction of their needs:
If rules and norms lead to frustrations, alienations, discriminations, and conflicts within society, the remedies must be in changes either to the rules or the conditions that lead to their infringement, not sanctions against reactive behaviors (p. 69).

Burton calls this a second order change, as opposed to first order change, which is environmental and beyond human control (p. 239). It is important to note here that Burton’s interpretation of first-order change is somewhat different from the meaning assigned to this term by members of the Palo Alto school, who introduced the notions of first and second order. In Change: Principles of Problem Formation and Problem Resolution (1974), Watzlawick, Weakland, and Fisch define first-order change as one which “occurs within a given system which itself remains unchanged,” as opposed to second order change, “whose occurrence changes the system itself” (p. 10). Thus, the first order change is not necessarily beyond human control, but even when people are capable of producing this type of change, it does not provide a “way out of the system,” and, therefore, is not effective as a means of addressing systemic problems.

One indicator that second order change is necessary is the frequent use of violence by the state: “The use of state violence is a symptom of lost legitimization and the need for changed policies” (p. 127). The concept of legitimization plays an important role in Burton’s theory, including definition of conflict itself, “[which] can meaningfully be defined as a situation in which authority or power is being exercised without the sanction or approval of those over whom it is being exercised” (p. 126).

There is reluctance on part of power elites to accept and promote second order change; however, Burton considers it essential that we move away from existing conflict management procedures that rest on coercion and manipulation, if we ever want to get out of what he sees as a crisis situation in decision making (p. 192). Burton’s solution – use of interactive problem solving for resolving individual conflicts, and provention as a “longer term policy approach to eliminating the sources of conflict” (230).

The Problem Solving Approach to Conflict Resolution

In the beginning of his book, Burton explains that his study is concerned with the “resolution of conflict as distinct from its containment or enforced settlement” (p. 1). One necessary component of successful conflict resolution is problem-solving (p. 202). The problem-solving approach has four major characteristics:

a) The solution of a particular problem is not viewed as an end product: the new set of relationships, developed as a result of applying problem solving procedures, will contain its own set of problems. Thus, Burton proposes to view problem-solving as a “continuing process rather than a final determination” (p. 202).

b) Problem-solving often requires “a new synthesis of knowledge, new techniques and a change in conceptualization of a problem.” Also, Burton suggests that we need to reevaluate our conceptualization of conflict itself and techniques of its resolution and management, for traditional approaches to conflict management often fail to recognize the complex nature of some conflicts.
example, Burton points out that mediation approach is based on an assumption that “given goodwill and adequate communication, preferably direct communication, there can be agreements based on reasonable compromises” (p. 221). The assumption is false for two reasons. First, “there are issues on which there can be no compromise” (p. 222). In such cases, to be acceptable, conflict resolution must provide “total satisfaction of basic needs without the compromises required in bargaining and negotiation” (p. 218). Second, “with all the goodwill in the world there may not be within the conceptual framework of anyone involved in such a conflict any options outside those that have been within their experience or knowledge” (p. 222). Besides the notions of conflict and conflict resolution, some fundamental conceptual preferences have to be altered. For example, integration of multiethnic societies is usually seen as a goal, but “from a behavioral perspective...separation may be a more acceptable option in many situations, and possibly the means by which to achieve integration in the longer term” (p. 254).

Reassessing involvement of a third party becomes especially important in this context. Burton suggests that the role of the third party must go beyond providing communication between the parties directly involved in the conflict; rather, its task is “to apply general theories about conflict and human behavior to the particular situation being examined, thereby helping the parties to analyze it” (p. 205).

c) The third characteristic of the problem solving approach is that it “deals with a situation in its total environment,” taking into account political, economic, and social conditions in which conflictual relationships exist (p. 202).

d) Finally, problem solving “goes back to sources and origins” by diverting attention from immediate manifestations of social problems to their background and wider implications. For instance, Burton writes that without placing the stimulus and the response into total causal setting, it may be impossible to comprehend Iran’s reaction to the publication of *Satanic Verses* in 1989. That reaction, however, was “understandable and explicable...in the context of Western treatment of Muslim societies as colonial and backwater territories over many years” (p. 203).

Conflicts Provention and Its Limitations

While conflict resolution is a “short-term and case-by-case approach to conflict,” the purpose of conflict provention is to prevent conflict from taking place by eliminating its sources through long-term policies. Burton notes that the term “provention” had to be invented because of the absence of an existing suitable word (the word “prevention” has the connotation of containment (p. v), which is inconsistent with the notion of resolution). Like resolution, conflict provention is grounded in the needs theory, and insights from conflict resolution can “help to provide the policy direction for provention” (p. 230), so that necessary second-order changes can be made before violent conflicts erupt.

As a general approach, conflict provention consists of two parts:

a) removing the causes of conflict;

b) creating conditions in which conflict cannot occur (p. 233).
In *Conflict: From Resolution to Provention*, Burton focused on the first part – removal of the causes of conflict on the basis of predictions, derived from the needs theory analysis:

> Any set of circumstance, any institutions, any social relationships, that deny identity, recognition, autonomy or the preconditions for a human drive toward development, creates an environment of conflict, and puts societies at risk (p. 235).

As has been noted earlier, Burton believes that no containment, coercion, or deterrence is likely to produce the desired effect in such situations. The only sound solution is true resolution of the conflict through second-order system change.

The second component of the provention approach (creating conditions in which conflict cannot occur) is not elaborated upon in the text. It may be quite important, though, for, without it, the uses of prevention may be rather limited.

While examining the reluctance of power elites to move from the old policies of coercion, deterrence, and containment to those of true resolution and provention, Burton notes that “the reluctance on the part of authorities to adapt to changing circumstances might be not so much the influence of interests...but the absence of any clear alternatives” (p. 109). This presents a challenge for conflict theorists:

> Only if authorities and interests find prediction and provention credible and reliable will they shift from their more traditional and tried containment and management policies (p. 252).

Unfortunately, demonstrating credibility of provention is not an easy task. First, as Burton himself points out, provention in practice “must be either a documented failure or, if successful, seen as an attempt to deal with a problem that arguably may never have developed” (p. 231), while numerous already-existing “real” problems are not attended to because of insufficient human and economic resources.

Second, removing causes of conflicts before they develop requires accurate advance prediction – a skill that is still to be developed. Although the needs theory should provide a basis for more accurate prediction of conflicts caused by poor satisfaction of human needs, Burton notes that our inability to predict “may be the main problem in conflict provention” (p. 233).

Third, and perhaps most importantly, even if we successfully predict a potential conflict, we may still be unable to remove its causes. As Burton himself admits,

> The goal of universal human development is an unattainable one. Even the satisfaction of basic physical needs of food and shelter seems to be beyond the organizational capacities of societies and the world society. The satisfaction of human needs of autonomy and development is even more remote (p. 22).
This dissertation aims to address the aforementioned limitations of the prevention approach in its present form by investigating the utility of the second part of the approach – creating conditions in which conflicts cannot (or, at least, are less likely to) occur – through the examination of the interrelationship between conflict and coercion.

**General Purpose of the Study and Research Questions**

The purpose of this dissertation is two-fold: Its first and main purpose is to establish the relationship between communication and coercion. Second, it aims to uncover how existing conceptualizations of coercion shape both the discourse on international conflict, and the practical approaches to its prevention and resolution. Three research questions are answered upon completion of the analysis:

1. What is the nature of the relationship between coercion and communication?
2. How do the existing conceptualizations of coercion affect contemporary theoretical and practical approaches to conflict resolution?
3. What are the implications of reframing the notion of coercion for the theory and practice of conflict prevention?

The next chapter provides an overview of the methodology used to accomplish this task and sketches an outline of the remaining chapters of this dissertation.
CHAPTER THREE

METHODOLOGY

The nature of the research questions posed in the second chapter of this dissertation suggests the use of a qualitative approach; more specifically, critical method seems best suited for the task. This chapter summarizes the critical methodology guiding this study, lists the tools employed in the analysis, and provides an outline of chapters to follow.

Critical Method

Tucker, Weaver & Fink (1981) list five major purposes of critical research (pp. 74-75):
1. To indicate, point out, or draw attention to phenomena under investigation;
2. To evaluate such phenomena;
3. To persuade the reader to accept a particular interpretation of the problem;
4. To learn about studied phenomena and/or establish a foundation for further research. (As a result of criticism, new insights can be formed, and these insights can be phrased as hypotheses that can be subjected to further testing);
5. To test conventional or accepted principles.

To accomplish these goals, five critical approaches are used most commonly in communication research: traditional criticism, dramatism, fantasy theme analysis, narrative approach, and culturally-oriented approaches (Rybacki & Rubacki, 1991, p. xiv). This dissertation employs traditional criticism to analyze the discourse on coercion and conflict in communication and conflict resolution literature.

Evaluating Theoretical Discourse Using Methods of Argument Testing

The primary focus of traditional criticism – which views rhetorical acts as reasoned discourse – is on the nature of argument, reasoning, and proof
Rybacki & Rybacki, 1991, p. 40). This makes traditional critical method a fitting tool for analyzing scientific discourse. A quick look at a popular method of argument testing, known as “Toulmin format,” after philosopher Stephen Toulmin, who developed it as a tool for analyzing legal arguments, reveals how applicable it is to theory analysis. According to Toulmin, Rieke, and Janik (1979), every “wholly explicit argument” consists of six elements:

1. claims (the conclusion of the argument),
2. grounds (facts and opinion statements supporting the claim),
3. warrants (the reasoning linking grounds to claim)
4. backing (additional information supporting the warrant),
5. modal qualifications (statement of the degree of certainty attached to the claim);
6. possible rebuttals (limitations on the claim, limiting its scope and often offered in anticipation of objections).

Five general tests of reasoning are available for examining these elements:

A. Are the grounds solid?
B. Does the warrant justify the claim?
C. Is the backing adequate?
D. Has the rebuttal been properly evaluated?
E. Has the degree of cogency (modal qualification) been properly determined? (Freeley, 1993, p. 163).

Freeley also lists a number of specific tests for different types of reasoning: reasoning by example, reasoning by analogy, causal reasoning, and sign reasoning (pp. 163-77).

The choice of specific techniques used by a critic is usually determined by the type of data analyzed and the nature of the task at hand. External criticism of documents and authors is utilized to establish reliability and validity of data and credibility of sources, while internal criticism of documents involves establishing the meaning of statements and their truth/accuracy. The latter task is often accomplished by testing documents for internal and external consistency (i.e. asking the question: “Are there any contradictions within the document, and in relation to documents produced by others?”) The present study focuses primarily on internal criticism of existing conceptualizations of coercion and contemporary theories of international conflict resolution and prevention using techniques of argumentation analysis and the illustrative method.

Illustrative Method

As the name suggests, the illustrative method is employed to “illustrate or anchor a theory” (Neuman, p. 427). A preexisting theory – which can come in the form of a general model, an analogy, or a sequence of steps – provides “empty boxes,” which are filled with evidence by the researcher. The evidence confirms or rejects the theory, which then can serve as a “useful device for interpreting the social world” (Neuman, p. 427). Two major variations of the illustrative method are commonly used by qualitative researchers. One is based on the application of a theory to a single case or situation. The other one is the “parallel demonstration

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5 See Toulmin (1958), and Toulmin, Rieke, and Janik (1979).
6 The method is described among others, by Bonnell (1980), Neuman (2000), and Skocpol (1984).
of a model,” which establishes the theory’s range of application by juxtaposing multiple cases. Alternatively, a theory can be illustrated with “specific material from multiple cases” (Neuman, p. 427). This study will employ the last variation of the approach (illustrating a theory with specific material from multiple cases) both to evaluate conceptualizations of coercion in communication and conflict resolution discourse, and to assess the impact of those conceptualizations on theoretical assumptions, claims, and prescriptions characterizing contemporary theories of conflict resolution.

The Process of Criticism and Evaluation Standards

Like many other qualitative approaches, critical method does not prescribe the rigid step-by-step structure characteristic of most quantitative studies. Inductive by nature, critical approach suggests, for example, that data collection and analysis be performed simultaneously, rather than in two distinct steps. This allows the results of early analysis to guide subsequent data collection, both in terms of the types and the sources of data sought by the researcher (Neuman, p. 419). This flexibility reflects the goals of a critical researcher: rather than test a hypothesis (a term rarely used in critical research), the critic attempts to “illustrate or color in evidence showing that a theory, generalization, or interpretation is plausible.” In the end, the researcher is “satisfied by building a case or supplying supportive evidence” (Neuman, p. 419).

Standards used to evaluate critical studies are also very different from those applied to their quantitative counterparts. For example, the concepts of reliability and replicability cannot be readily applied to a critical work (at least not in the same sense as in quantitative research): “Often excellent criticism distinguishes itself because other critics have not agreed. Even the critic may disagree with himself or herself at a later time; that is the nature of criticism” (Tucker, Weaver & Fink, p. 78). Still, there are standards that allow the reader to judge a critical work. Four considerations outlined by Tucker, Weaver & Fink (1981, p. 78) are particularly important:

A. Clarity and accuracy of style: A creative effort that is “slightly inaccurate, inadequately supported, or poorly phrased does not look like a creative product.” Also, the standards of internal and external consistency used by critics can be applied to evaluate their own work.

B. Authenticity of sources. Authenticity of sources analyzed in this dissertation is generally not in question.

C. Originality in design and execution: “The critical methodologist has, perhaps, greater freedom in imposing his or her personal stamp or mark on the study. As a result, the expectation is higher, and the criteria of originality is used in determining excellence.”

D. Relevance/Application: “Can the results be applied to life?” This standard is particularly important in a critical study of conflict, for, as was noted in the first chapter, many theories of conflict resolution have been criticized for making incomplete diagnoses of international conflicts and offering
prescriptions that “may be only partially helpful, or helpful only for particular types of conflicts” (Holsti, 1988, p. 107). Finally, because any critical work is, essentially, an argument (Rybacki & Rubacki, 1991, p. 13), methods of argument testing – such as the Toulmin format mentioned above – can be readily employed to evaluate its quality.

Dissertation Plan

The first three chapters constitute the first part of the dissertation. The remaining chapters are organized in two parts (Part II and Part III). Part II is devoted primarily to the examination of the concepts of conflict, conflict prevention, and coercion. First, in chapter 4, the terms “conflict” and “conflict prevention” are defined. Then, in the following three chapters (5-7), the focus shifts to the investigation of the notion of coercion as a communication phenomenon. Critical examination of the usage and analysis of the term “coercion” in communication discourse (represented by the works of Andersen, Applbaum, Anatol, Brembeck, Howell, Minnick, Miller, and others), as well as theories of coercion in the philosophical and legal discourse (based primarily on the work of Wertheimer) aims to establish the whether this usage possesses sufficient internal and external consistency and suggests modifications in the conceptualization of this notion.

In Part III, the implications of the conceptualization of coercion developed in Part II for the theory and practice of conflict resolution and prevention are examined. Chapter 8 contains a discussion of the interrelationship between the notions of coercion and punishment and the resultant view of punishment in conflict theory. The critical method is employed to examine dominant assumptions and theoretical claims about conflict through the analytical prism of coercion and punishment. The goal in this analysis is not to provide a comprehensive critique of a few specific theories, but to assess the most salient assumptions and claims that characterize the discipline today. The main focus is on establishing the extent to which the new conceptualization of coercion developed in Part II is consistent with existing theories of conflict resolution and determining whether analysis of coercion can explain some of the limitations of contemporary approaches to international conflict resolution and prevention and suggest possible changes.

In Chapter 9, Burton’s theory of conflict prevention is revisited and the findings of preceding chapters are used to explore the possibility of creating conditions in which conflict cannot occur. (Creating such conditions is the second part of Burton’s approach, which was not explored in his book). Finally, chapter 10 presents conclusions, provides a discussion of limitations of the study, and offers suggestions for future research.
CHAPTER FOUR

DEFINING KEY TERMS: THE MANY MEANINGS OF CONFLICT AND CONFLICT RESOLUTION

Introduction

Defining key terminology early on is customary in academic writing; when the subject is conflict, this step is an absolute necessity. Over the years, the terms conflict and conflict resolution have been applied to a vast range of phenomena, and the different uses of the terms often appear inconsistent, or even contradictory. This has even led some authors to give up on the term altogether. (For example, in an effort to avoid the burden of the “many contradictory implications and referents” of the word conflict, Keltner (1994) chooses to use the word “struggle” instead.) More often than not the contradictions are illusory, but they may seem real enough to render certain notions – including conflict prevention – nonsensical. This chapter presents a snapshot of the dominant approaches to defining conflict and states the meaning assigned to key conflict-related terms in this dissertation. Definitions of communication and persuasion are offered as well.

Constructive and Destructive Effects of Conflicts

As was stated in the introductory chapters, one of the goals of this dissertation is to examine the potential of preventive approaches to international conflict. Viewing conflict prevention as a possible goal implies that it is both possible and desirable to prevent conflict. Neither supposition can be taken for granted. Conflict is not always cast negatively, as something we should try to prevent. It is true that in the 1950s and beginning of the 1960s conflict was viewed primarily as a destructive force, and most scholars focused on conflict resolution (Rubin, 1993, p. 3). In the 60s, however, conflict “began to take on a positive and healthy aspect” (Nicotera, 1995, p. 9). Since then, it has become customary to view conflict as having potential for both negative and positive effects.
A number of writers suggested that conflict had important constructive functions. Ruben, for example, viewed conflict as “not only essential to the growth, change and evolution of living systems,” but also “a system’s primary defense against stagnation, detachment, entropy, and eventual extinction” (1978, p. 206).

Deutsch (1987) named several positive functions of conflict, which have been widely accepted in the field of conflict studies: “[conflict] prevents stagnation, it stimulates interest and curiosity. It is the medium through which problems can be aired and solutions arrived at. It is the root of personal and social change. . . . In addition, conflicts demarcate groups from one another and help establish group and personal identities.” Conflict per se is not a cause of problems; rather, problems arise “when conflict takes a pathological course” (p. 38). Pathologies identified by Deutsch are avoidance, premature conflict resolution, excessive involvement in conflict, and position rigidification. Deutsch also suggested that whether a conflict takes a constructive or destructive course is determined by what type of social process – cooperative or competitive – takes place (p. 42).

Resolution, Management, and Settlement of Conflicts

As conflict began to be viewed as “natural” and even beneficial, the repertoire of possible approaches to dealing with it grew steadily. In the early years of conflict research, most authors who wrote about conflict discussed resolution as the main (if not the only) outcome of a successful handling of conflict. (This position was largely predicated on the view of conflict as an episodic destructive phenomenon). Today, researchers distinguish among such possible approaches as resolution, management, transformation, and settlement of conflicts.

For example, Rubin (1993) defines conflict resolution as “a state of attitude change that effectively brings an end to the conflict in question,” while conflict settlement “denotes outcomes in which the overt conflict has been brought to an end, even though the underlying bases may or may not have been addressed” (p. 3). Similarly, Zartman (1997) views conflict resolution as “removing the causes as well as the manifestations of a conflict between parties and eliminating the sources of incompatibility in their positions”; conflict management, on the other hand, means only “eliminating the violent and violence-related means of pursuing conflict, leaving it to be worked out on the purely political level,” and conflict transformation refers to “replacing conflict with positive relations, such as satisfaction, cooperation, empathy, and interdependence, between parties” (p. 11).

Management approaches, in particular, signify what appears to be a philosophical departure from the early days of conflict studies, for management approaches are grounded in the view of conflict as omnipresent and unavoidable. Overall, non-resolution approaches to conflict are becoming more and more popular, as the very possibility of resolving conflicts is questioned. Deutsch (1987), for example, argues that “conflict can neither be eliminated nor
even suppressed for long. The social and scientific issue is not how to eliminate or prevent conflict, but rather how to have lively controversy instead of deadly quarrels” (p. 38). Zartman (1997), too, questions our ability to resolve conflicts: he suggests that “in the last analysis only time resolves conflicts” (p. 11). Holsti (1988), on the other hand, suggests that resolution may be possible, but only from “conquest, successful deterrence, or exhaustion after a lengthy test of arms” (p. 113).

These views seem to be in opposition to Burton’s theory of provention, of which resolution is an important part. While allowing that conflict settlement and management approaches may have their own “applications and justifications,” Burton (1990) argues that resolving existing (and preventing future) conflicts by addressing their underlying causes is not only a possibility, but, in the end, also the only effective way of dealing with conflicts. Burton effectively questions the utility of traditional methods of negotiation, arbitration, mediation, and power bargaining as means of addressing most pressing conflicts facing humanity. His rejection of traditional methods of conflict resolution and management is not as wholesale as it first appears, though.

Reconciling Different Meanings of “Conflict”

Despite the wide range of views on the desirability of conflict and the possibility of its resolution, there is less disagreement about the subject of conflict studies than may appear at first glance, and those contradictions that do exist often emerge from inconsistent uses of terminology from one study to another. There are two aspects of the usage that may result in confusion: the first one is the level of the social system at which conflict takes place; the second has to do with different stages in a conflictual relationship.

Conflicts Types

In 1968 Clinton Fink identified three major approaches to the study of conflict: generalist, specialist, and gradualist. The generalist approach calls for a general theory of conflict and suggests that investigation of specific types of conflict cannot provide an adequate understanding of the phenomenon. The specialist approach, on the other hand, adopts an idiosyncratic view of conflict, which suggests that each type of conflict is unique, and, therefore, any general theory would be inappropriate. Finally, the inductive methodology of the gradualist approach calls for building general theory on the basis of special theories, thus combining the first two approaches.

An examination of commonly used definitions of conflict suggests that the generalist approach is dominant at the moment, even in the literature devoted to a particular type of conflict. Most of these definitions attempt to capture the essence of “conflict in general.” Fink’s own definition – now more than 30 years old – is a good example: he defined conflict as “any social situation or process in which two or more social entities are linked by at least one form of antagonistic psychological relation or at least one form of antagonistic interaction” (p. 456).
This definition (as well as most other definitions of conflict found in contemporary literature) covers a wide range of phenomena, from a domestic conflict over household chores to a world war. Other examples of typical definitions include: “pursuit of incompatible goals by different groups” (Miall et al, 1999), “a social situation in which a minimum of two actors (parties) strive to acquire at the same moment in time an available set of scarce resources” (Wallensteen, 2002), and “the interaction of interdependent people who perceive incompatible goals and interference from each other in achieving those goals” (Hocker and Wilmont, 1985).

Despite the prevalence of the generalist approach to the subject, there is a growing consensus that some kinds of conflict – armed conflict in particular – are marked by unique characteristics that set them apart from other types. Wallensteen (2002) points out, for example: “Involving issues of life and death, war is a qualitatively different form of conflict. Negotiation and peacemaking in ending war can learn from other experiences but face unique problems” (p. 3). This does not mean that we must automatically adopt a specialist stance, of course – only that one should be cognizant of possible limits to general statements about conflict.

This study will employ a mix of gradualist and specialist approaches: analysis of coercion will be based on examples drawn from all social levels, from interpersonal to international (this should provide for a more comprehensive understanding of coercion). Results of this analysis will then be applied to the theory of international conflict, although their applicability to other types of will be noted, albeit briefly.

**Stages of Conflict**

While conflicts occurring at different social levels may possess some unique characteristics (identifying characteristics unique to international conflict is one of the goals of this study), there seem to be far more similarities than differences among conflict types. After all, armed conflict is probably not a separate type of conflict, but, rather, a stage that can be reached in a conflict of any type, from interpersonal to international. This may mean that the really interesting differences lie not in the social levels at which conflicts take place, but in the stages of conflictual relationship.

As early as in the 1950s attempts were made to limit the scope of the term by distinguishing conflict from the phenomena that can summarily be described as “pre-conflict.” For example, while Dahrendorf (1958, 1959) argued that even latent antagonism should be subsumed under the domain of conflict, Coser (1956) wrote that all conflict is behavioral. Galtung (1969) introduced a model that identifies three aspects of conflict: objective (or perceived) contradiction between the goals of the parties, attitude of parties towards each other, and behavior, which can be cooperative or, more typically confrontational. For one to speak of a full conflict, all three aspects must be present. (In the absence of conflictual attitudes and behaviors, we are dealing with structural conflict, which has also been referred to as latent conflict.) The distinction between manifest and latent conflicts is now routinely made by students of conflict (see, for example, Wallensteen (2002)), while some authors identify multiple stages. (For instance,
Rummel (1976) identifies five cyclical phases of conflict: latent conflict, initiation, balancing power, achieving a balance of power, and, finally, disruption of previously achieved balance of power.

Clearly defining the two aspects of conflict (the social level where conflict takes place and the stage in the conflictual relationship at which parties find themselves at the time) helps reconcile many (though certainly not all) apparent incompatibilities in theoretical approaches to conflict. It is possible, for example, to claim that disagreements between spouses about family finances, the best place to vacation, the right house to buy, etc. are not only normal and unavoidable, but, if managed properly, also have the potential of strengthening the relationship, while insisting at the same time that violent – especially deadly – conflict at any social level, whatever the cause of a particular altercation, has no such positive effect and should be prevented whenever possible. Management approaches are perfectly suited for the former example of conflict, but may be justifiably judged unacceptable in the latter.

Ultimately, no typology or classification of conflict is necessarily better than any other. It is not essential to establish once and for all whether latent incompatibility of interests should be included in the conflict domain even when such incompatibility is not manifested through actions: as long as it is internally consistent, any set of definitions can be used to talk about conflict, but we need to be clear about what exactly we mean by the term: conflict as incompatibility of interests is quite different from behavioral conflict marked by the use of deadly weapons, and unqualified use of the same word to describe both phenomena can be misleading. Once definitions are clarified, it becomes apparent that many seemingly incompatible approaches to conflict are not necessarily mutually exclusive – often they simply apply to different phenomena that just happen to be denoted by the same term.

For example, many “general” conflict theories praise conflict management as a modern alternative to resolution, whereas Burton views attempts to “manage” conflict as a serious problem. The two positions are reconciled – albeit only partially – when one accounts for the specialized definition of conflict used by Burton (1990). To separate conflict from other, qualitatively different types of human relationships characterized by some level of disagreement, he makes a distinction between disputes, which involve “issues [that] are negotiable, in which there can be compromise, and which, therefore, do not involve consideration of altered institutions and structures,” and conflicts, which are “deeply-rooted in human needs, and which frequently require major environmental and policy restructuring for their resolution.” Disputes are a “feature of normal and frequently collaborative and creative relationships”; conflict is characterized by “behavior that is, or has the potential of being, destructive of persons, properties and systems” (p. 1-2). It is logical to suggest that we cannot expect long-lasting success if we attempt to manage through traditional means of negotiation and bargaining those conflicts, which are rooted in fundamental human needs, will be pursued no matter what, and are not subject to any compromise. Still, management and settlement approaches remain applicable to other types of conflict, which Burton chooses to exclude from the
conflict domain and calls, instead, disputes, but which are referred to as “conflicts” by other theorists.  

Definitions of Key Terms Used in Subsequent Chapters

The following definitions of conflict and related terms, suggested by Miall, Ramsbotham, and Woodhouse (2000), will be adopted as working definitions at this stage:

Conflict is the pursuit of incompatible goals by different groups. This definition stipulates that not only incompatibility of goals, but also resultant behaviors must be present. In the absence of conflictual behaviors, we are dealing with a latent conflict or dispute. It is also important to note that this definition is typically generalist, i.e. not specific to the particular type of conflict that is the focus of this study.

Deadly conflict / armed conflict is a category that includes conflicts where two or more sides use military force, as well as conflicts marked by one-sided violence.

Conflict settlement means “the reaching of an agreement between the parties which enables them to end an armed conflict” (p. 21).

Conflict resolution goes beyond ending armed hostilities; it suggests that “the deep-rooted sources of conflict are addressed, and resolved. This implies that behavior is no longer violent [and] attitudes are no longer hostile…” (p. 21).

Given these definitions, conflict prevention, interpreted literally, can be viewed as a misnomer and theoretical impossibility. It hardly needs to be stated that humankind cannot possibly hope to succeed in preventing conflict understood as incompatibility of interests, adversarial attitudes, or each and every kind of behavior that may result from the above; naturally, that is not what is meant by conflict prevention in this study. Instead, the task at hand is to investigate the possibility of preventing deadly conflict marked by the use of violence, which can also be viewed as containment of conflict at pre-violence stages. This interpretation of conflict prevention is much narrower than the meaning of Burton’s prevention. Provention removes the underlying deep-rooted causes of conflict and promotes “conditions that create cooperative relationships”; the goal of prevention is only to eliminate the use of violence as a means of achieving one’s goals. Not a comprehensive approach, prevention does

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7 Although clarifying terminology does resolve some apparent contradictions among different theories of conflict, it would be wrong to assume that there are no problems in conflict theory that could not be resolved by introducing some linguistic transparency. Burton’s apparent rejection of conflict management and settlement approaches is less radical than it may appear, but his idea that some of the bloodiest and most protracted conflicts cannot be effectively resolved through negotiation, power bargaining, and other traditional means of conflict resolution, and, instead, should be addressed by removing their causes, still stands in stark contrast with wide-spread theoretical beliefs and commonly practiced policy approaches.

8 The choice of these definitions was dictated by the fact that they are both recent and sufficiently consistent with those typically used in contemporary literature on conflict, and thus are not likely to introduce any additional confusion.
nothing to address the root causes of a conflict, which still need to be dealt with through other means, even though violence may have been prevented.

Like conflict, the term violence has come to have several meanings. Galtung (1969b, 1990) introduced the distinction among direct violence, structural violence, and cultural violence – a typology that has since become widely accepted. In this dissertation, the term violence is used in its traditionally narrow (pre-Galtung) sense, as the use of physical, usually armed force. More general usage will be clearly noted.

There are three more key terms that need to be defined: communication, persuasion, and coercion. Like conflict, communication and persuasion have numerous definitions (communication alone has well over a hundred), but the majority of variations are ultimately compatible, although disagreement still exists on certain issues, such as whether behavior must be intentional to be classified as communication. Luckily, those nuances that do create incompatibility among different definitions are not critical in the context of the present study. Both concepts will be discussed in more detail when the relationship between coercion on the one hand, and communication and persuasion on the other is investigated. Until then, the following two definitions will be adopted:

Communication is “the process by which participants transact and assign meaning to messages” (Reinard, 1991, p. 4).

Persuasion is “communication intended to influence choice” (Brembeck and Howell, 1976, p. 19).

While by no means universally agreed upon, these definitions are generally consistent with the commonly accepted usage in the communication discipline. Finding agreement on the meaning of the term coercion, on the other hand, is a far less straightforward undertaking. The following three chapters will be devoted to this task.
CHAPTER FIVE

THE CONCEPT OF COERCION IN CONTEMPORARY COMMUNICATION RESEARCH

Three Approaches to Separating Persuasion from Coercion in Communication Literature

As was stated in Chapter 2, the concept of coercion has existed largely outside the domain of the communication discipline. A few decades ago there seemed to be some interest in this concept among students of communication, and coercion’s name was regularly evoked to contrast it with persuasion – a “legitimate” mode of communication, which has received considerable attention over the years:

...Since the time of Aristotle, rhetoricians – those who attempt to study and apply the various strategies of persuasion to oral communication – have tended to categorize coercion as bad or inherently unethical and, therefore, distinct from persuasion. As Simons (1972) suggests, rhetoricians have assumed that persuasion and coercion are not only separable but antithetical (Applbaum and Anatol, 1974, p. 13).

Going beyond moral ostracism in explaining what separates the two concepts has been more problematic, although a number of attempts were made, primarily in the 1950s, 60s, and 70s. (Since the 1970s, the question has been hardly raised at all in communication literature. It seems it was decided that the issue had been settled and the question could be officially closed.) There are three basic approaches to defining the distinction: The first approach, represented, among others, by Griffin, sees the distinction between persuasion and coercion in the use of reason: when a rhetorical action is “essentially non-rational... dependent on ‘seat of the pants’ rather than ‘seat of the intellect,’” it is “coercive rather than persuasive” (Thompson, 1975, p. 156).

The second approach is focused on the balance between cognitive and emotional states of the party subjected to influence. Fotheringham (1966), for example, suggests that persuasion is based on a “harmonious relationship between affective, cognitive, and overt components of behavior,” whereas in the case of coercion, “the resultant behavior may be highly disharmonious with the receiver’s feelings and beliefs” (p. 81).
Finally, the most commonly cited distinction between persuasion and coercion is freedom of choice (see, for example, Miller (1946), Burke (1955), Minnick (1957), Fotheringham (1966), Thompson (1975), Brembeck and Howell (1976), O’Keefe (1990)). The idea is summarized in the following statement:

“[in the case of persuasion] ...the receiver of the message has freedom of choice; he can accept or reject the persuader’s recommendation.... When this freedom is absent, coercion, not persuasion is attempted”

(Brembeck and Howell, 1976, p. 75).

A popular illustration for this principle is an armed robbery situation: when a gunman demands money from his victim, the victim is believed to have no choice but to comply; thus the situation is classified as coercive, rather than persuasive.

All three approaches to defining coercion have serious deficiencies. The idea of rationality as a basis for separating persuasion from coercion does not take into account that many persuasive messages derive part (and, sometimes, most) of their effect from non-rational qualities – students of rhetoric have studied the uses of ethos and pathos since the time of Aristotle – and, furthermore, entire categories of persuasive appeals are dominated by essentially non-rational elements. Much of modern advertising, for example, is based on non-rational appeals, but few would argue that such appeals should not be studied by students of persuasion. Even more important, most instances of coercion that involve a threat – and this describes virtually all paradigmatic examples of coercion – employ rational appeals, and to say that an attempt at coercion was successful is to say that the receiver of a coercive message made a decision to comply with the demand of the coercer. For example, in the armed robbery scenario, the mugger, in a sense, advances an argument (although typically not in so many words): “When forced to choose between two evils, a rational person will choose the lesser one. The two options available to you are (a) loss of ready money in your wallet, or (b) serious bodily harm or even death. As a rational person, you should choose the first option, which is clearly the lesser evil.” The robber initiates the interaction with the prospective victim hoping that the latter will approach the situation rationally. Even if direct violence is used – for example, A strikes B “to expedite the decision-making process” by establishing credibility of the threat – B still makes a decision to give up the wallet, and this decision is likely to be considered by outside observers as more rational, under typical circumstances, than any other, since ready money in one’s pocket is not worth losing one’s life. The only variation of the mugging scenario where rational decision-making is not present in some form is when the assailant overpowers and incapacitates a struggling victim and forcibly takes the bounty. In this case, the outcome of the interaction is independent of any messages exchanged by the parties and, in fact, is contrary to the decision made by the receiver of the message. As such, this scenario is clearly outside the domain of communication and persuasion and, therefore, is of little interest within the context of the present discussion.

Fotheringham’s suggestion to define persuasion as based on a “harmonious relationship between affective, cognitive, and overt components of behavior,” whereas in case of coercion “the resultant behavior may be highly
disharmonious with the receiver’s feelings and beliefs” is intuitively pleasing and consistent with common perceptions of the difference between coercion and persuasion, but it has two weaknesses. First, it focuses on the response of the receiver, not characteristics of the message itself. Attention to the reaction of the receiver is not necessarily unwarranted, especially if coercion turns out to be a subjective phenomenon, i.e. if the same proposal is likely to be perceived as coercive by some, but not all receivers. Still, a useful conceptualization of coercion should explain what characteristics of coercive messages underlie such responses. Second (and more important), some decisions made under the influence of persuasive appeals are likely to produce at least as much disharmony as those prompted by coercion. The victim of a mugging may not be happy with the fact that she was put in a situation where she had to choose between two unattractive options (possible loss of life or a certain loss of a small amount of cash), and yet recognize that under the circumstances, the decision to surrender the cash was the only rational choice. (“Decision” is a key word here: the receiver makes a decision to surrender her money because she believed that, under the circumstances, that was the best course of action.) Granted, we can still expect certain disharmony between overt and affective aspects of the receiver’s behavior in this clearly coercive scenario, but such disharmony is not unique to coercion. Consider the following scenario:

A doctor tells her patient that he has a serious, potentially fatal medical problem. The only procedure that may correct the problem is a costly experimental surgery not covered by his insurance. The procedure has a 40% chance of saving this patient’s life but will definitely wipe out his family’s savings and require the sale of the family’s house – its only asset of any value. If the operation is not performed, the patient has a 70% chance of suffering an organ failure and dying within six months. The patient’s family members are trying to influence him to agree to the operation.

If the patient succumbs to his family’s appeals and decides to proceed with the surgery, we cannot say that his family coerced the patient, and yet we can expect him to experience at least as much emotional turmoil as the victim of a mugging. Perhaps, this kind of turmoil is different from the disharmony felt by the receiver of a coercive proposal, but Fotheringham does not explain what that difference is. Neither does it help us deal with the following two examples: A child may resent the pressure exerted by the parent who commands, “eat your spinach first if you want to have dessert,” but still comply, and the parent may perceive the existing taxation system as fundamentally unfair, but still pay taxes when pressed by the IRS. Does that mean that the child is coerced into eating spinach and that the parent, however resentful, is coerced into paying taxes? If the answer is no (meaning that such examples should not be excluded from the study of persuasion), Fotheringham’s explanation, although not necessarily wrong, is clearly not sufficient.

Finally, the distinction between persuasion and coercion based on the amount of freedom of choice available to the receiver of the message is the one most commonly cited in the communication literature; it is also the most
problematic. In fact, it is the limitations of this approach that led such theorists as Fotheringham to propose alternative explanations.

First, in any imaginable “coercive” scenario where threats are used (rather than overwhelming direct force), there is more than one option available to the receiver of the message. As has already been suggested, even the armed robbery situation is full of options: “[The victim] can refuse to turn over his wallet, can run, or he can attack the thief rather than submit” (Fotheringham, 1966, p. 80).

One way to resolve the problem is to declare “alternative” options inconsequential, unreasonable, and unrealistic. However, this approach is too open to subjective interpretations: even within one single culture, what is totally unreasonable for one, is the only acceptable response for another. Across cultures, variations may be expected to be even more common. For example, “suicide in the Japanese culture may be approved as the only reasonable alternative in a given situation, but rejected by other cultures as a ‘choice’” (Fotheringham, 1966, p. 83). To overcome this problem, Fotheringham proposed to consider a situation as a “no choice,” coercive one, when the culture accepts a single response as the only reasonable one (p. 82). Still, even defining values of any given culture is a very subjective process. For example, in American culture, a threat to one’s life is readily identified as a sign of coercion. But how about a threat to one’s respect, good name, or pecuniary fortune? Miller (1980) writes:

To be sure, many people would hesitate to equate blackballing with blackjacking. Nevertheless, in a society where the pervasive importance of ‘being respected,’ ‘being popular,’ and ‘being in’ extends to matters so trivial as the name tag one sports on a pair of denim jeans, it would be a mistake to underestimate the coercive potential of social approval and disapproval, a fact readily grasped by those who create the country’s daily diet of media advertisements and commercials (p. 13).

If a teenager feels that she absolutely must have clothing in the latest fashion to be accepted by the “in crowd,” does this mean that she has been coerced by her peers or the advertising industry? Even more important, Fotheringham’s solution (considering a situation coercive one when the culture accepts a single response as the only reasonable one) puts some paradigmatically coercive situations outside coercion domain. For example, in the mugging scenario, any of the alternatives to surrendering cash may be a reasonable choice under certain circumstances. For example, fighting back is a rational choice if A (the mugger) is not armed and does not appear any stronger or better skilled in combat than B, or if A is armed only with a knife and B has a gun. If the mugger is not armed and does not appear light on his feet, running away may also be a perfectly reasonable option. Finally, B might simply laugh and continue on his way, if A appears patently lacking credibility (e.g. a heavily intoxicated individual of clearly inferior physical strength wielding a replica gun). Surrendering an object

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9 As has been noted above, certain instances of coercion – those that consist solely of the use of force, rather than threats – are not dependent on the choice of the receiver, unlike threats, which are only effective if the receiver decides to comply. As such, such instances of coercion appear to be largely outside the domain of communication and persuasion, although this is not true in all cases. We will return to the communication aspect of direct use of force in a later chapter.
of very high value to an unarmed mugger can hardly be considered the only reasonable choice for an individual of superior physical strength trained in martial arts, but does this mean that the mugger threatening his intended victim with bodily harm is no longer using coercion? The “freedom of choice” approach does not offer an answer.

Despite such incongruities, this approach would hold some promise if not for its second flaw: just like coercion, interactions commonly classified as persuasive can be characterized by a severely limited number of options, all of which can be quite unattractive. For instance, if we define the armed robbery situation as coercive because the victim does not have any “reasonable choice” besides giving up the money (clearly a negative outcome), then what about the seriously ill patient, whose only hope for survival lies in costly and painful surgery? Clearly, the patient’s freedom of choice is at least as limited as that of a victim of an armed robbery. (In fact, as we have established, the latter may have quite a few reasonably agreeable options to choose from, unlike the patient, whose only options are certain death or financial ruin of his family coupled with the uncertainty of his own recovery.) Yet, this does not mean that the doctor or the patient’s family are coercing him to have an operation. It follows, then, that limited freedom of choice is characteristic of not only coercion, but also at least some persuasive situations. It follows, then, that while limited freedom of choice may be a necessary condition for an appeal to be classified as coercive, it certainly is not sufficient to distinguish coercion from persuasion.

**Similarities between Coercion as a Threat and Persuasion**

While separating coercion from persuasion is important, establishing similarities between the two may be a better starting point. This section outlines some of the more apparent common characteristics, which will be discussed in more detail in the following chapters.

First, we need to acknowledge that there are two forms of coercion: coercion as the use of force and coercion as a threat. The two are often listed together: Webster’s dictionary, for instance, defines the verb to coerce as “to bring about by force or threat,” while the Dictionary of the Social Sciences defines it as “the imposition of external regulation and control upon persons, by threat or use of force and power.” Similar usage can also be found in academic literature on the subject. There is, however, an important distinction between the two elements of such definitions, e.g. between a threat to use force and an actual use of force. Many – though certainly not all or even most – uses of force do not contain any message or rely on any message for their effect. (When a robber takes money from the pocket of an incapacitated victim, the success of this operation is independent of any communication between the two parties.) A threat, on the other hand, is transmitted through verbal or non-verbal symbols, not unlike any other message studied by the students of communication. Therefore, while it may be reasonable to exclude at least some uses of force from the study of coercion as a mode of communication, the use of symbols to transmit a message – an essential element of coercion as a threat – puts this
phenomenon squarely in communication discipline’s domain. When coercion takes place in the form of a threat, the sender transmits a message designed to influence receiver’s behavior: “You should do X, because otherwise I will do Y, which you surely want to avoid.” Receiver then evaluates the message and makes a decision about further steps. The resultant actions may not be purely rational\(^{10}\): receiver’s response is likely to be influenced by emotions as much as any behavior undertaken under the influence of any persuasive appeal, but this does not negate the claim that an act of coercion as a verbal threat is no less a communication phenomenon than any bona fide persuasive appeal.

Because the success of coercion as a threat is a function of the receiver accepting the coercer’s appeal, all factors studied by students of persuasion (credibility of the source, characteristics of the audience, such as the ability of the audience to understand the message, to name a few) are as important in the case of coercion as in the case of persuasion. To design an effective threat, the coercer needs to know her “audience.” Some audience characteristics are simply presumed to be universally present (for example, the mugger’s message “your wallet or your life” is based on the assumption that most humans share the believe that their lives are worth more than ready money in their pockets), while others may require some background research. Although we may perceive the probability of success of coercion as a threat as relatively high (at least, this is what the notions of “no choice” or “the only reasonable choice” seem to imply), there is always a possibility of failure. Otherwise, there would be no armed conflicts, no wars, and, indeed, no need for punishment of any kind: making a threat promising a negative consequence would be sufficient to control behaviors of any social actor, be it an individual or a state.

\(^{10}\) Hopman (1996) suggests that people are “seldom capable of making purely rational decisions or selecting the optimal means to achieve their desired ends” (p. 120).
Possible Communication Function of Coercion as the Use of Force

This study relies primarily on examples of coercion as a threat rather than coercion as the use of force. It is important to note, though, that direct use of force, too, can play a communication role. For example, in most wars the immediate goal of military action seems to be not to annihilate the opponent, but to elicit surrender by demonstrating to the adversary that resistance is pointless or prohibitively costly. Hiroshima and Nagasaki bombings during WWII are dramatic – but certainly not unique – examples of such symbolic use of force: massive devastation of the two cities caused by atomic explosions was not intended to destroy or undermine Japan’s military ability to wage war (most killed were non-combatants) as much as serve as a symbol of superiority of the US military, employed to influence the will of the Japanese military to continue resistance and persuade the Japanese government that surrender was the only reasonable option. A more recent example is the “Shock and Awe” campaign, conducted by US military in Iraq in 2003, with its very name highlighting the symbolic nature of military action.

This is not to say that people are not killed routinely for no apparent strategic or tactical purpose. A relatively recent documented example of such killings – carried out by US troops in Iraq in 1991 – is described in the report issued in 1991 by a commission headed by Ramsey Clark, U.S. Attorney General in the administration of Lyndon Johnson. Such examples do not negate the thesis that many uses of force have a central communication function, though.

As in the case of coercion as a threat, even direct use of overwhelming force has a potential of being unsuccessful, if the goal is to elicit compliance with certain demands by changing attitudes and beliefs of the receivers, rather than simply incapacitate them. Atomic bombing of Japan by the United States in 1945 produced desired results (Japan’s capitulation), but that outcome was not inevitable. If the Japanese government had reasons to doubt that US could produce additional atomic bombs in the near future, it might have decided to continue fighting. If Japan possessed its own A-bomb (or some other weapon of mass destruction), it might have retaliated with a vengeance, thus demonstrating its military parity with the US. That would be likely to lead to emergency negotiations and a settlement short of capitulation by either side. A may incapacitate B and then proceed to do X, but there is no way to make B do X without having B decide to do so first by changing B’s attitudes towards and beliefs about doing X. Thus, one can argue that even direct use of force may be considered a legitimate subject of communication research, when force is used to affect a cognitive/attitudinal change, which would, in turn, elicit a change in behavior.

11 The report can be found at http://www.deoxy.org/wc/warcrime.htm.
Conclusions

Overall, it appears that coercion and persuasion are related much more closely than traditionally thought, at least with regard to coercion as a threat: both are communication processes whose purpose is to affect attitudes, beliefs, and behaviors of the receiver; both can involve dramatically limited freedom of choice on the part of the receiver and cause significant emotional and cognitive disharmony; and both can be essentially rational in nature. These similarities may even warrant viewing coercion as a threat as a special case of persuasion. Still, there must be specific characteristics that distinguish coercive proposals from non-coercive persuasive interactions; otherwise, the terms persuasion and coercion could be used interchangeably, which, clearly, is not the case. In the next two chapters, an attempt is made to define those characteristics and thus compensate for the shortcomings of existing conceptualizations of coercion in communication literature.
CHAPTER SIX

THE CONCEPT OF COERCION IN LAW AND POLITICAL PHILOSOPHY

Introduction

While coercion has been largely ignored in communication discourse, it has attracted the attention of students of political science, jurisprudence, and philosophy. This can be explained, in part, by the fact that coercion claims “have important bearing upon the moral and legal status of our actions” (Wertheimer, p. 3): coerced promises are not morally and legally binding, contracts can be voided, and, in general, people are (sometimes) not held responsible for their actions if those actions were coerced. Developing a clear understanding of this concept, then, becomes important not only for theoretical, but also practical reasons. As a result, a number of theories of coercion have been advanced, although no consensus on what exactly makes a message coercive has been reached yet. Of all available accounts, Alan Wertheimer’s 1987 “Coercion” seems to offer the most comprehensive critical review of major approaches to this subject in political science and philosophy; in addition, it proposes the most coherent general theory of coercion. This chapter offers an overview and critique of the main elements of Wertheimer’s theory, which will serve as a foundation for a new conceptualization of coercion as a mode of communication developed in chapter 7.

Empirical and Moralized Theories of Coercion

All theories of coercion can be said to belong to one of two principal schools of thought on this subject – empirical and moralized. The first view holds that whether coercion is taking place is an “ordinary empirical question,” i.e., the truth of a coercion claim rests on facts. For example, one may examine whether the proposal/demand contained in the message will make the receiver (B) better or worse off, or whether the sender (A) prevents the receiver from making a free
choice by putting him in a situation where the highly unattractive option is the only “reasonable” one. This approach has been adopted by many philosophers; Elster (1983) and Zimmerman (1981) are representative examples.

The second view – shared by Wertheimer – maintains that although coercion claims do have certain empirical requirements, in the end they are moralized, i.e., “they involve moral judgments at their core” (Wertheimer, p. xi). Such moral judgments deal with the following sorts of questions: Does A have the right to make his proposal? Should B resist A’s proposal? Is B entitled to recover should he succumb to A’s proposal? (p. 7). Robert Nozick’s (1969) essay “Coercion” is a classic and one of the best-known examples of this approach.

The traditional method of resolving differences between empirical and moralized theories (as well as among theories belonging to the same camp) relies on the examination of a multitude of hypothetical scenarios with the goal of establishing which approach is more consistent with our “moral and linguistic intuitions” (p. 10). There are probably a dozen or so cases widely used in coercion literature, from the paradigmatic Gunman Case (A offers B a choice between his money and his life), to the more controversial Drowning Case (A comes across B, who happens to be drowning, and offers to save B’s life if and only if B agrees to do X, e.g., pay A ten thousand dollars), or its variation Cliffhanger Case (identical to the Drowning Case, except that instead of drowning, B now is hanging from a cliff), to Nozick’s famous Slave Case (A has a habit of beating his slave B every morning for no particular reason. A then proposes to spare B if and only if B does X. The question then is whether A’s proposal is coercive).

While this approach is legitimate and even unavoidable – Wertheimer uses it himself, and it will also be employed throughout this dissertation – it does have certain weaknesses, the most important of which is the need for a relatively high level of consensus in evaluating hypothetical examples – a condition not always characteristic of literature on coercion (p. 13). Some simple cases are relatively straightforward. The Gunman Case, for example is viewed as uncontroversially coercive, although what makes the situation coercive is not obvious. In other cases, one cannot even assume that the reader will agree that the situation is, indeed coercive. Timo Airaksinen (1988) argues that a variation of the Cliffhanger case where A demands that B make public some truth that would clear A’s reputation as a condition of saving B’s life is best understood as coercive (p. 80). Wertheimer and several other authors, on the other hand, suggest that a case like this can only be decided after we gather additional contextual information.

To overcome this weakness of hypothetical examples, Wertheimer chooses to build his analysis on the foundation established by case law. This approach presents several advantages: First, the legal sphere supplies plenty of real-life examples of adjudicated coercion claims, thus relieving us of the necessity to invent hypothetical examples which may or may not be accepted by our audience as characteristic. Second, and more important, judges not only make decisions, but also explain them, striving to keep the explanations consistent both with law and with the community’s prevailing morality (p. 12). This means that the examples are more likely to carry a high degree of consensus than hypothetical examples would, at least at the time when such decisions are rendered.
Alan Wertheimer’s Two-Prong Theory of Coercion

Analysis of multiple cases that span more than a century of legal precedent in Britain and the United States does reveal some inconsistency in the way coercion (duress) claims have been interpreted, but the overwhelming majority of these cases seem to support what Wertheimer calls a moralized “two-prong theory,” which offers two independent tests for duress: the choice prong and the proposal prong.

The proposal prong, which requires that the demand made by A be “wrongful” to be coercive, is at the core of Wertheimer’s moralized theory of coercion. What specifically makes a proposal wrongful is open to interpretation, which explains some inconsistency in judging whether certain cases are coercive, found both in case law and academic literature on coercion, although Wertheimer does offer a few important guidelines.

First, he notes that wrongfulness typically must go beyond depriving B of free choice (this issue addressed by the choice prong): just because B’s options are limited by A, B is not automatically coerced by A.

Second, even when invoked by courts, wrongfulness of a proposal, as well as A’s having an independent right to advance it, seem to be essentially moral criteria, even if legal considerations inform them to some extent. Sometimes wrongfulness is used strictly as a moral, not legal concept (a threat can be wrongful even if it is not otherwise illegal (p. 31)), although as a general rule, court rulings seem to be consistent with the principle that “A acts wrongly for the purposes of the proposal prong if A proposes to do something that is independently illegal. It is ordinarily not coercion if A proposes to do what he has an independent right to do, so long as the right is not abused or used for purposes that the law considers illegitimate” (p. 172). (Threatening criminal prosecution to collect a debt would be an example of such an illegitimate purpose.)

The choice prong appears to be more controversial. It stipulates that B is coerced only when A’s proposal prevents B from “exercising free will and judgment” by leaving no “reasonable choice” or “acceptable alternative” but to accept the proposal. The serious flaws of the idea that a situation is coercive because it limits B’s freedom – featured in many an interpretation of coercion in communication literature – have been discussed in prior chapters and need not be recounted. Wertheimer is certainly aware of those flaws as well. He notes that the “overborne will” theory has been all but rejected as a tool to be used in establishing duress – at least in contract law (p. 29). With the exception of duress as a criminal defense, the law seems to pay relatively little attention to the choice prong: “In determining what counts as a reasonable alternative, the law adopts a contextual and moralized approach” (p. 172).

Even in criminal defense cases – which can often be discussed in contractual terms – most situations do not appear to involve “overborne will,” although some situations do (when B’s will is literally impaired, for example by

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12 In law literature, “duress” appears to mean a state created by the use of coercion; Wertheimer uses the terms interchangeably.
Does this mean that the view of duress as necessarily involving an “overborne will” should be “consigned to the historical scrapheap,” as Patrick Atiyah suggests?\textsuperscript{14} The answer seems to be yes. The notions of reasonable choice and acceptable alternative are a different matter, though. Wertheimer argues that “having ‘no acceptable alternative’ but to succumb to a coercive proposal” is a necessary, albeit insufficient condition of being coerced. Importantly, “freedom of choice” is not an empirical concept in this context. What is relevant is not whether any alternatives are available to B, who is presented by A with a demand to do X (for alternatives always exist), or that B finds the other alternatives unacceptable, but that B is under no obligation – legal or moral – to accept the other alternatives, “or, what is sometimes more accurate, that B is entitled to yield to A’s proposal and then be released from the normal moral and legal consequences of his act” (p. 267). When we say that B acts unfreely when she signs a contract after being threatened by A with bodily injury, we do not mean that B is not free (however defined) to exercise other alternatives, for she certainly is; rather, we are saying that B is under no obligation to exercise those other alternatives and that she should not be bound by the contract. Thus, the choice prong, like the proposal prong, is a moralized criterion. Furthermore, while Wertheimer discusses the choice prong and the proposal prong as two separate criteria, both prongs are grounded in the measure of wrongfulness of A’s proposal: first we determine if a proposal is wrongful to establish the proposal prong, and only then can we decide if B had a right to succumb to it and then recover (the choice prong), for “B acts voluntarily when B succumbs to a proposal that A has a right to make, even if it is one which B finds unattractive and would prefer not to receive” (p. 301).

Together, the choice prong and the proposal prong provide us with a means to determine whether any given proposal is coercive. If A makes a proposal that is wrongful and B has no reasonable alternative but to accept the proposal (i.e., B is under no obligation to resist that proposal), the proposal is coercive. If, however, the proposal is not wrongful, or B is obliged to resist it, the proposal is not coercive. For example, when A says to B, “promise to give me two hundred dollars or I’ll break your arm,” the proposal is wrongful and B is under no obligation to resist it, \textit{ergo}, B is coerced and the promise is not binding. If, on the other hand, A says, “kill C or I will break your arm,” courts would likely rule that even though the A’s proposal is wrongful, B should resist it and, therefore, coercion defense would not be available to B should he choose to comply with A’s demand.)

\textsuperscript{13} Posner, \textit{Economic Analysis of Law}, 49. In Wertheimer, 49.

\textsuperscript{14} “Economic Duress and the ‘Overborne Will’,” 98 \textit{Law Quarterly Review} 197 (1982). In Wertheimer, p. 288
Two-Prong Theory of Coercion Evaluated

Overall, Wertheimer makes a persuasive case for a moralized theory of coercion. His two-prong theory, in particular, provides convincing explanations of most paradigmatic hypothetical scenarios involving coercion, as well as real-life cases adjudicated in US and British courts. Several points of the theory are particularly relevant for our analysis of coercion as a communication concept.

First, although Wertheimer does not completely reject involuntariness as the basis of coercion claims (he argues that there remains “an important connection between coercion and involuntariness” (p. 289)), he defines it as a moralized, not an empirical notion. The non-standard (at least in the ordinary language context) meaning assigned to the term “involuntary” in Wertheimer’s theory context may be seen as somewhat misleading – for what we really mean when we say that B acted involuntarily is that B was under no obligation to exercise other alternatives, not that B had no alternatives or acted against her volition – but it is not unique to Wertheimer’s theory. Nozick (1974) makes a similar point when he suggests that whether B acts voluntarily is determined by whether A had the right to act the way he did (p. 262). While potentially misleading, Wertheimer’s specialized usage does serve the useful purpose of highlighting the inherent ambiguity and amorphousness of such concepts as free will and free choice both in the ordinary language and academic literature. (It seems that George Fletcher had a point when he contended that the common terminology is little more than a linguistic device for expressing the moral view that one should not be held responsible for certain actions.) More importantly, Wertheimer prompts us to move beyond the (somewhat trivial) question of whether B’s choices are restricted and focus on the much more interesting moral judgments that underlie our assessments of voluntariness.

Second, Wertheimer admits (albeit somewhat indirectly) that the two-prong theory is not able to explain all uses of the term coercion, and this acknowledgement of what the theory cannot do is as important as what it does well. Throughout the book, Wertheimer chooses to focus his attention on a particular meaning of the term coercion, one that has the most important philosophical and legal implications – to wit, coercion claims that influence our judgment of whether an actor should be held responsible for her actions. However, as Wertheimer points out, this is not the only meaning. In addition to the usage utilized by the courts, he lists ten other contexts where “coercion” and other related terms are employed. Each of these contexts, which range from the expression of unhappiness with one’s actions (“I was forced to sign the loyalty oath when I accepted employment at the University”) to denial of moral or legal credit (“don’t be fooled, his wife forced him to go to the opera”) to simply noting that a certain pressure is present (as in the claim that steroid use by some athletes coerces other athletes to do so, as well) has different truth conditions, i.e., conditions that must be present for a coercion claim to be valid (pp. 184-191). This suggests that conceptually, coercion is not a single, monolithic entity.

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15 Referenced in Wertheimer, p. 251
Instead, the term is applied to different contexts for different purposes, and to determine if a coercion claim is valid, we would need to specify rather precisely the context in which the claim is made. Even then, there may be no right answer to the question of whether a situation is coercive (p. 212), just as it may be impossible to say definitively whether a certain proposal is a threat or an offer. Wertheimer is right to assert that coercion claims “do not serve as mere linguistic placeholders for general moral disapproval of the relevant proposals” (p. 243) – there is more to coercion claims than that – but when such moral disapproval is required by the proposal prong, coercion is in the eye of the beholder.

Ironically, despite its many virtues, the two-prong theory would not be our first choice in an ideal world. Wertheimer himself admits that a non-moralized theory would be preferable, if it were feasible: among other advantages, such a theory would allow us to identify a proposal as coercive based on objective, non-moralized criteria, and then use this identification for making a moral claim about the proposal and the situation in general. Unfortunately, our hopes for a purely empirical theory of coercion may be destined to go unfulfilled. All attempts to advance such a theory seem to involve moral judgments implicitly, or fail to make important distinctions – e.g., between paradigmatic coercive cases and those that are widely viewed as non-coercive, such as offers of out-of-court settlements as an alternative to a full trial. (Purely empirical theories have no way of explaining why such settlements and plea bargains, for example, are not viewed as coercive by courts.)

It seems that any workable theory of coercion is necessarily moralized, for, as a matter of fact, “the truth of a coercion claim is largely the result of a moral inquiry, rather than the ground for a moral conclusion. We typically say that B should not be held responsible because B has been coerced, and yet...we can determine that B has been coerced only when we have, in effect, already determined that B should not be held responsible” (p. 309). This makes the concept of coercion less interesting, in a way. If Wertheimer is right (and I believe that he is) to claim that in most interesting cases “whether A coerces B is equivalent to whether A has made an immoral proposal to which B is entitled to succumb” (p. 310), the moral postulate stating that using coercion to interact with other humans is wrong degenerates into a mere tautology: it is wrong to make a coercive proposal, which is coercive because it is wrongful. This, of course, is not a limitation of Wertheimer’s theory. Rather, this means that our hope that “precise conceptual analysis and empirical investigation will resolve important moral issues that ostensibly turn on coercion claims” was false (p. 309).

There are, however, several genuine – albeit relatively minor – omissions and limitations in Wertheimer’s account, which need to be acknowledged.

First, the two-prong theory of coercion presented by Wertheimer is not a general theory of coercion; rather, it is a theory of one particular context in which claims of coercion are made. Granted, this type of claims is the one that usually compels philosophers to study coercion in the first place; it has also been the most controversial one. However, to define coercion as a communication concept, we will need to draw a complete picture of this phenomenon, including its non-moralized versions.

Second, while admitting that a moralized account of coercion does not preclude empirical conditions that need to be present for a situation to be
classified as coercive in a particular context – and analysis of many examples he considers implies such conditions – Wertheimer does not state them explicitly. Doing so seems important to account for non-moralized contexts where the word “coercion” is used and to clarify individual cases that appear contradictory. For example, Wertheimer points out (correctly) that a patient consenting to a medical procedure to save her life is certainly not being coerced – at least as far as the law is concerned – because the doctor did not create her unfortunate circumstances. He then proceeds to examine the case of an institutionalized mental patient consenting to a psychosurgery as a condition of his release and the case of a poverty-stricken individual selling one of his kidneys. The last two examples, he argues, can be considered instances of coercion, for while “most circumstantial pressures are not akin to immoral threats, some circumstantial pressures create the sorts of immoral pressures which should invalidate consent” (p. 69). The contrast between example number one and examples two and three seems to make sense intuitively, but Wertheimer stops short of stating explicitly what makes those certain pressures immoral.

Finally, Wertheimer’s categorization of coercive contexts (the eleven contexts in which coercion claims of varying descriptive and normative strength are made) appears to be too broad to be manageable. This is not a serious limitation as far as Wertheimer’s own analysis is concerned – for his attention is focused on one specific context – but, as noted above, taking the other contexts into account is likely to be necessary for drawing a complete picture of coercion as a communication phenomenon; thus, an unruly classification may become a barrier. If, as Wertheimer himself admits, some of the eleven categories identified by him overlap, they should be combined. More important, some of the examples used to illustrate the categories do not accommodate the use of the term “coercion”; instead, Wertheimer points out that different wording would be normally employed, e.g. “we had no choice,” “we were forced,” “students were compelled.” The difference between these terms on one hand and “coercion” on the other may be important enough not to treat them as interchangeable, for our choice of one term rather than another must be indicative of perceptible differences among those situations.

In the next chapter, these relatively minor limitations in Wertheimer’s account of coercion will be addressed, and coercion will be defined as a communication phenomenon.
CHAPTER SEVEN

REDEFINING COERCION AS A COMMUNICATION CONCEPT

Introduction

This is the third and final chapter focused on the concept of coercion. We started our analysis in Chapter Five by contrasting coercion and persuasion. A review of communication literature produced several findings. First, the two concepts are commonly viewed as not only distinct, but also antithetical. The gap assumed to separate the two modes of influence is so wide that the assumption is rarely elaborated upon and virtually never challenged. Second, we found that in those few instances where an attempt was made to explain what distinguishes coercion from persuasion, the answers that were proposed lacked clarity, or consistency, or specificity. Finally, upon preliminary examination we established that persuasion and coercion share some common characteristics, which make them appear similar in several key aspects:

Both persuasion and coercion are communication phenomena, i.e., processes of transmitting messages through the use of symbols; both are modes of influence whose ultimate purpose is to affect behavior; both often (though not always) appeal to reason; and both can invoke negative consequences in the event of non-compliance in contexts characterized by restricted freedom of choice on the part of the receiver. Based on these similarities, it was hypothesized that coercion might even be viewed as a special case of persuasion.

Despite apparent similarities, it was clear that coercion must have some distinguishing characteristics not found in non-coercive interactions. (Otherwise, the terms persuasion and coercion would be used interchangeably, which clearly is not the case.) These differences, however, do not lie in the use of rational reasoning or freedom of choice. In fact, one can argue that, contrary to conventional belief, it is persuasion that is more likely to rely on non-rational appeals (the use of persuasion by the advertising industry is a case in point), while all paradigmatic examples of coercion are likely to reference a rational process, whereby the receiver makes a decision to comply with a demand made by the sender in order to avoid punishment. As for the freedom of choice – although it may be true that a perception of restricted freedom of choice must be present for coercion to take place, this condition is not exclusive to coercion: persuasion can be characterized by equally restricted options. Thus, the difference between coercive and non-coercive forms of persuasion must be found elsewhere.
In search for answers we turned to political philosophy and law – two fields where coercion has been an object of more extensive study. Wertheimer’s 1987 comprehensive investigation “Coercion,” reviewed in chapter 6, offers an insight into what makes proposals coercive as far as legal discourse is concerned. According to Wertheimer, two factors are typically present when a proposal is classified as coercive in British and American jurisprudence: first, the proposal must be wrongful; second, the receiver must be under no obligation to resist that proposal, or, in other words, B should be entitled to succumb to the proposal without bearing responsibility for the act.

Overall, Wertheimer provides a convincing explanation of the use of coercion claims in the legal sphere. This does not mean, however, that his two-prong theory is adequate as a theory of coercion when the latter is viewed as a communication concept. When coercion claims are considered by courts, judges are typically concerned with the responsibility of the receiver for certain actions, which is why for a coercion claim to be accepted, it must be proved not only that A’s threat was wrongful (the proposal prong), but also that B had a right to succumb to the threat and not be held responsible (the choice prong). In contrast, in communication research, establishing B’s moral and legal responsibility following compliance with A’s request is not likely to be at the center of the debate over what constitutes coercion. The exact purpose of identifying any given interaction as coercive in the communication literature (beyond the apparent goal of excluding it from communication research mentioned in earlier chapters) is not always clear, but in any event, we can expect the focus to be on the messages exchanged between the parties. We can also expect the “burden of proof” to be lighter in establishing coercion within the framework of communication theory: A may be said to be coercing B even in instances where it could not be said that B was legally coerced. For example, if A threatens to break B’s arm unless B kills C, and B then complies, based on previously adjudicated cases we can predict that the courts would likely reject B’s claim of duress and hold him responsible, ruling that he should have resisted A’s proposal. Yet, when describing A’s communication with B in the same situation outside the legal framework, we would be likely to say that A was using coercion, regardless of whether B was justified to succumb to the threat.

In this chapter, building on Wertheimer’s analysis of coercion as a legal construct as well as the foundation established in previous chapters, we shall attempt to define coercion as a communication concept. We will begin by developing a categorization of the term’s meanings based on its most common uses. Then, specific conditions that are shared by all contexts where “coercion” denotes a mode of communication, as well as conditions that are unique to particular contexts, will be examined. Finally, we will define coercion as a mode of communication, propose a categorization of coercion types, contrast the notions of coercion and persuasion, and review preliminary implications of this new conceptualization of coercion for the fields of communication and conflict resolution.
Coercion Claim Contexts: The Uses of the Term in Ordinary Language, Law, and Academic Discourse

In a chapter on the language of coercion claims, Wertheimer argues that such claims are “emphatically and technically contextual” (p. 184). This is a critically important point, missed in most other accounts of coercion, which approach it as a single concept that has one “correct” meaning and one set of truth conditions that are simply waiting to be discovered and catalogued. Wertheimer holds a different view. He argues that there are several contexts in which the word “coercion” is used for specific reasons, and in each context there exists a specific set of truth conditions. Furthermore, it is the specific set of truth conditions that gives the term a meaning different from the meanings it carries in other contexts. Consequently, coercion is not a single conceptual entity. Therefore, the goal of devising a single definition of coercion that would account for all standard (and not so standard) uses of the term is probably unattainable. This does not mean, however, that we cannot attempt to develop an exhaustive categorization of the term’s meanings by examining the contexts in which coercion claims are made. Wertheimer lists eleven such contexts (which, he says, are neither exhaustive nor mutually exclusive), but stops short of offering a complete classification or defining truth conditions for coercion claims in all contexts. This is a deliberate omission, stemming from the belief that the goal of identifying such necessary and sufficient truth conditions is not likely to be achieved because “our linguistic intuitions are…unclear and controversial,” as well as from a more important assumption that “very little of genuine moral or political significance ultimately turns on what we say about coercion” (p. 181). The latter may, indeed, be true within the context of Wertheimer’s own analysis, but I believe that what we say about coercion does have direct and indirect consequences in other areas. In particular, how we conceptualize coercion has implications for research, theory, and practice both in communication and conflict resolution fields. This makes the task of identifying and explicating the main meanings of the term – particularly those meanings that place coercion in the communication domain – a worthwhile enterprise. And the task is not insurmountable if we reduce the number of categories from eleven to a more manageable number, and then focus on those contexts that are of most interest to communication field (i.e., contexts where “coercion” denotes a mode of communication).

I believe that the following categorization of uses and meanings of the term “coercion” accounts for most applications of the term found in a variety of discourse types:

The first meaning – relatively value-free – is prevalent in sociology and a few other academic disciplines concerned with the study of power: coercion is understood as a mode of influence involving threats or use of punishment. To reflect its genesis, as well as its typical area of application, we will refer to this meaning of “coercion” as sociological.

17 See chapter 8 for a discussion of these implications.
The far more widely used second meaning is dominant in what Wittgenstein called the “ordinary language” \(^\text{18}\) (the language spoken by “lay” people in non-technical contexts, in contrast to the highly specialized and “extraordinary” language of logicians and natural scientists), as well as a number of specialized fields, including jurisprudence and communication. Denotation of coercion in ordinary language contexts is similar to the one prevalent in sociology (use or threat of punishment to influence behavior of others), but it also comes with an added characteristic of wrongfulness: the threat or exercise of punishment must be wrongful to be coercive. The idea of wrongfulness is central to this conceptualization of coercion: Wertheimer’s observation that we call something “coercion” after we decide that it is wrong captures the sentiment well (Wertheimer, p. 309). Following Wertheimer and other philosophers who developed normative theories of coercion, we will refer to this meaning of the term as \textit{moralized}.

Finally, the third category contains those non-standard uses of the word coercion, in which the negative connotation of the term (derived primarily from its moralized meaning) is borrowed for rhetorical purposes (e.g. suggesting that someone cannot take full credit for doing something), even though one or more characteristics associated with the two “standard” meanings of the term are missing. For example, in the case of a study suggesting that athletes using performance-enhancing steroids are coercing other athletes to use steroids as well, cited by Wertheimer (p. 187), the alleged coercers are not making any requests. In fact, athletes using steroids must clearly hope that others will not follow their example, since that would effectively negate any competitive advantage steroid use might produce. We will refer to such uses of the word “coercion” as \textit{figurative}.

\section*{Characteristics of Coercion (Sociological and Moralized Meanings)}

Figurative uses of the term “coercion” are of little interest to us in the context of the current discussion. Sociological and moralized meanings, on the other hand, deserve further elaboration. In particular, describing the factors that define coercion in these contexts will aid us in developing a better understanding of its uses and also help clarify some issues that were not fully resolved by Wertheimer.

\section*{The Threat (or Use) of Punishment for Non-Compliance with a Demand}

The first criterion requires little elaboration: a threat/use of punishment – defined as any negative consequence that the receiver (B) would like to avoid – is the most obvious defining characteristic of coercion. Without a threat or use of punishment, there is no coercion.

This factor is partially reflected in one form or another in most dictionary definitions of coercion, except that those definitions typically reference “force”\footnote{See, for example, “Philosophical Grammar” and “Philosophical Investigations.”}
instead of “punishment” and do not specify that the threat or use of punishment be directed to affect the decision-making of the receiver. Both nuances are important. First, “punishment” – defined as any consequence the receiver would like to avoid – is more appropriately inclusive and less restrictive than “force,” for many paradigmatic cases of coercion involve negative consequences other than the use of force. Second, the reference to behavioral decisions of the receiver highlights the communication function of coercion. The idea that a threat of punishment is communicated to the receiver is rather obvious. As for the use of punishment – while one could, ostensibly, find examples of discourse where certain uses of punishment, particularly applications of physical force are described as coercion even though they aim to circumvent (rather than influence) the will of the receiver, those would not be typical uses of the term. Moreover, most uses of punishment are intended to influence the receiver’s future decision-making, rather than to produce an involuntary response. Finally, for a proposal to be classified as coercive, punishment must be presented as a consequence of non-compliance with a specific request; i.e., the coercer must demand a specific course of action from the coerced; otherwise, we are dealing with random violence, not coercion. The threat of punishment factor is a required factor for findings of coercion in both sociological and moralized frameworks.

Source of Punishment

The invocation of negative consequences of not performing certain actions is an essential characteristic of coercion, but it is not exclusive to this mode of influence, for it can also be present in persuasive interactions not classified as coercive. (A family member who urges a patient to undergo an expensive experimental surgery to avoid imminent death is not coercing the patient, even though the family member clearly references a negative consequence of not following the suggested course of action.) The factor that separates coercion from non-coercive modes of influence that may rely on negative consequences for their effectiveness is the source of punishment for non-compliance with a request invoked by the sender.

In the case of non-coercive persuasion, the sender of the message (the persuader) is different from, and has little control over, the source of such punishment. In the example above, the family member did not cause the decease of the patient, nor does she have control over the negative consequence of not undergoing the surgery.

In the case of coercion, on the other hand, the source of the message – the coerger – is also the source of, or has direct control over, potential punishment. The nature of the requested action and the negative consequence of non-compliance can be identical, but depending on whether the sender of the message is also the source of punishment, the message will be classified as persuasive or coercive. (When A urges B to buy a medicine to cure a food poisoning, this is persuasion, unless the poisoning is deliberately caused by A, in which case we would be likely to agree with B’s claim that the purchase of medicine was coerced.)

This nuance has been reflected in numerous court decisions. Contract law, for example, distinguishes between causing one’s predicament and taking
advantage of it: “it is one thing for A to cause B's dilemma and quite another for A to take advantage of – to exploit – background circumstances for which A is not responsible” (Wertheimer, p. 39). For example, in *LaBeach v. Beatrice Foods Corp.* (1978), the court ruled that although LaBeach agreed to a settlement proposed by his former employer under certain pressure (LaBeach’s bank was pressuring him for payment of a large personal loan at the time), such pressure did not constitute duress: “Even assuming Beatrice had knowledge of this loan and the pressure being asserted on LaBeach for repayment . . . Beatrice cannot be held responsible for economic pressure put on LaBeach by a third party.”

Determining the source of punishment is typically a straightforward task: the effectiveness of a coercive message depends, among other factors, on the receiver’s believe that the sender has the ability to inflict punishment for non-compliance or withhold punishment if the receiver fulfills the demand. This suggests that negative consequences will be “man-made,” not environmental and beyond the control of the sender. Wertheimer, for example, suggests that as a general principle, it might be held that “coercion is a relational concept, that people coerce, but circumstances do not” (p. 48). The issue of informed consent in medical settings provides a vivid illustration of this distinction. As was suggested by the examples of seriously ill patients making medical decisions with very high stakes, the pressures put on the patients by their circumstances do not make their final decisions coerced. Wertheimer writes: “Considered more generally, the medical context presents what is perhaps the clearest model of a situation in which unfortunate, nay awful, circumstances do not constitute the sort of coercion of which the law will take notice. It is, perhaps, the paradigm case in which B’s necessities are not due to any wrong on A’s part or, for that matter, on anyone’s part. Illness is unfortunate, but it does not violate one’s rights” (p. 64). Examining the same issue, Samuel Gorovitz notes: “much less powerful pressure by a physician (for example, the implication that he would disapprove of a patient’s decision not to follow his advice) might compromise the voluntariness of informed consent whereas the prospect of death does not” (Wertheimer, p. 64). The key factor that separates the two scenarios is the source of punishment experienced in case of non-compliance.

The source of punishment factor also explains seeming inconsistencies between (non)findings of coercion in informed consent to medical treatment cited above and court rulings on the issue of consent to medical procedures given by institutionalized individuals. Examining the latter, Wertheimer writes, “The court also says that institutional confinement makes consent to a procedure impossible if the procedure is a precondition of release. But why should that be? If, as I have argued, one can non-coercively consent to a medical procedure when the only alternative is death, why should the prospect of permanent institutionalization be treated differently?” (p. 66). Wertheimer is right to point the flaw in the court’s reasoning: as far as free will, freedom of choice, or informed consent are concerned, the two situations, indeed, are hardly different. However, a lack of consent is not what ultimately defines coercion. What separates the two situations most clearly is the source of punishment that results

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from not taking the suggested course of action. Deterioration in the condition of a seriously ill patient who chooses not to undergo surgery is beyond anyone’s control; therefore, no coercion is present when a doctor presents a surgery as the only way of possibly saving the patient’s life. Institutionalization, on the other hand, is not only man-made, but also under direct control of the individuals or institutions insisting on treatment as a precondition of the patient’s release. While the reasoning in the explanation of the decision provided by the court may be flawed, the decision itself is defensible.

Having resolved the apparent external inconsistency of the court’s ruling, we are still left with one interesting question: if informed consent is a function of voluntariness, and voluntariness of B’s actions is defined by whether A has a right to make the proposal in question, as has been suggested by Wertheimer, Nozik, and others, does the court’s finding – which relies heavily on the notion of voluntariness – represent a challenge to the right of the society to restrict the freedom of individuals it considers mentally ill? Even though issuing such a challenge probably was not the court’s intention, the ruling seems to suggest just that.

The source of punishment factor is necessary in both moralized and sociological frameworks. It also distinguishes coercive claims from certain non-coercive persuasive appeals. If A argues that B should do X, because otherwise C would punish B, and if it is true that A has no control over C, we would be likely to say that A is trying to persuade B, but not coerce.

**Benefit from Compliance**

Explaining findings of coercion becomes more difficult when A does not threaten B with any new negative consequences for non-compliance, but instead exploits existing situational pressures for which A may not be directly responsible in the way mental institutions insisting on medical treatment as a precondition of their patients’ release are responsible for the continued confinement of those patients. When no such direct responsibility can be established, one would not expect any findings of coercion, for, as was noted above, courts have ruled consistently that A is not to be held responsible for pressures put on B by a third party. Yet, situations involving sales of organs by living individuals or the participation of prisoners in potentially dangerous medical research are two examples of situations that seem to be exempt from the rule. In both situations, individuals may affirm that they take part in the procedures voluntarily. Also, there are obvious benefits derived both by inmates participating in medical research (“relief from boredom, money, good food, comfortable bedding, and medical attention”) and individuals wishing to sell their organs (considerable sums of money). Yet, these situations have been found coercive due to the pressures exerted by institutionalization and poverty. While it is true that both prisoners and the poor would avoid participating in those activities were they in better circumstances, Wertheimer points out that a woman would not have a radical mastectomy if she were in better circumstances, i.e. did not have cancer (p. 67). What, then, makes the first two situations coercive, but not the third?
Wertheimer provides a rather vague answer: “It could be maintained that the circumstantial pressures of a life-threatening disease are merely unfortunate, are part of one’s situation, and therefore do not coerce. By contrast, it could be maintained that the circumstantial pressures generated by institutionalization or poverty are immoral, are not simply part of one’s situation, and therefore do coerce” (p. 69). This argument is consistent with one of Wertheimer’s most important conclusions, to wit, that we call a situation coercive because we have decided that it is morally unacceptable, not the other way around. However, it does not explain why certain pressures are viewed as immoral, while others are accepted as morally acceptable.

The source of punishment principle discussed above may shed some light on the issue. That institutionalization is a “man-made,” rather than “natural” condition is rather obvious. Similarly, one could argue that in a modern society, poverty is largely rooted in social conditions, which could be changed if there was a will to do so. Therefore, neither situation is fully comparable to the scenario where a patient makes a decision under the pressure generated by a deadly decease.

The second part of the explanation lies in the benefit factor. When A makes a threat and stands to profit from B’s compliance with the request, we are more likely to view the proposal as coercive than we would in a case where no direct benefit is derived. Thus, in the two examples under consideration, one could argue that it is the same actor (elites holding economic, social and political power) that first puts its citizens in penal institutions and tolerates – a cynic would even say maintains – poverty and then derives a direct benefit from medical research on the institutionalized and organ donation by the poor. (The benefits offered to prisoners and the poor are of secondary importance in such transactions, for they are merely inducements for the disenfranchised groups to engage in behaviors detrimental to their own health). In the case of a patient undergoing a radical surgery, on the other hand, not only is the condition that makes the procedure necessary not created by the society – at least, the link is rarely as obvious as in the cases of institutionalization and poverty – but the procedure is done first and foremost in the interest of the patient.

Although useful for explaining certain coercion claims, the benefit factor can also be present in non-coercive persuasive appeals. More important, it is not a necessary condition of sociological or moralized coercion, which is to say that not all cases of coercion require that A derive a benefit from B’s compliance with A’s proposal. When A makes a request threatening B with punishment, the act is coercive in the sociological sense of the word even if A does not derive any obvious benefit from compliance. If the request is wrongful, it is also coercive in the moralized sense. However, in borderline cases, such as organ sales by the poor or prisoners participating in medical research, the benefit factor tilts the scale towards coercion. If the classes viewed as wielding social and political power did not derive any benefit from either act, we would be less likely to classify them as coercive.
Overtness

The fourth factor is implicit in the requirement that a threat of punishment be present for a situation to be judged coercive, but it is worth stating it explicitly: B has to be aware that A is responsible for his predicament or that A will cause punishment in case of non-compliance. If A suggests that B will suffer negative consequences in case of non-compliance with a suggested course of action, but conceals the fact it is A herself who will cause the punishment, we are dealing with manipulation, not coercion. To illustrate this point, let us modify an earlier example. A doctor – who happens to be the only medical professional in the vicinity – tells her patient that the latter must undergo an expensive and risky surgery, even though the doctor is aware of an effective alternative remedy, which is both inexpensive and safe. If both the doctor and the patient know about the alternative remedy, but the doctor openly refuses to provide it to the patient, leaving the patient with the choice between surgery and death, we would be likely to call the situation coercive. If, on the other hand, the patient is unaware of the available alternative and views the surgery as the only option, we would be likely to call the doctor’s actions immorally (and, possibly, criminally) deceptive and manipulative, but not coercive. The overtness factor, therefore, is necessary to establish coercion, but it is not exclusive to coercion.

Legitimacy Factor

Taken together, the threat of punishment, source of punishment, and overtness factors are both necessary and sufficient to establish coercion within sociological discourse framework, yet they are not sufficient to identify a situation as coercive in the ordinary language (i.e., in the moralized discourse framework). Consider two scenarios:

Scenario (1): A supervisor tells an employee that if the employee continues to come to work late, his employment will be terminated. The employee starts coming to work on time. Analyzed within the framework of sociology or a related discipline concerned with the study of power, the supervisor is clearly using coercive power. However, within the framework of the ordinary language we would be unlikely to say that the employer is coercing the employee.

Scenario (2): The same supervisor as in the previous example asks the same employee to perform an illegal act as a condition of keeping his job. The employee complies. In this case, the employer has as much direct control over the negative consequence of non-compliance as in the first scenario, and yet we would be likely to classify the situation as coercive not only in the sociological, but also in the ordinary language sense of the term. The punishment for non-compliance is the same in both cases (termination of employment), as are the source of punishment (the employer) and the degree of overtness. What separates the two situations is the degree of legitimacy we attach to the request of the sender.

This last factor defining coercion is at the center of Wertheimer’s account of moralized coercion; it is also the factor that separates the moralized notion of coercion from sociological coercion. Wertheimer uses the term “wrongful” to describe one of the two essential attributes of coercive proposals. This choice of terminology is determined by the source of most examples used by Wertheimer.
(case law). In the context of communication and conflict resolution theory, the term “illegitimate” seems more fitting. The two terms, however, are essentially synonymous, since “legitimate” is commonly defined as “rightful,” which suggests that “wrongful” is substantively equivalent to “illegitimate.”

Defining legitimacy is not always a straightforward matter. Although the fundamental question remains the same – What makes an exercise of power rightful? the answers have changed over time. In the realm of political philosophy, appeals to divine sanction and blood lines, which for many centuries served as justifications for the entitlement to rule, have given place to the consent of those over whom control is exercised – a consideration present in one form or another in many (though not all) contemporary definitions of legitimacy situated within the western democratic tradition. Even today, the concept of legitimacy remains the subject of lively debate. While the idea that the consent of the governed provides the source of the state’s legitimacy – characteristic of social contract theories – is a useful one, this measure may not be adequate, unless compliance is grounded in reflection and not fear or mindless habit. In this respect, utilitarian tradition, which holds that “the legitimacy of governments is tied to their willingness and capacity to maximize happiness,” or the Marxist view of political institutions as lacking legitimacy “to the degree that they underwrite exploitation” and gaining legitimacy “to the degree that they promote its [exploitation’s] antithesis, human freedom” (Shapiro, 2003, pp. 2-3) have certain appeal. However, for the purposes of the present analysis, it is the idea of legitimacy as a function of the consent of the governed, emphasized by the social contract tradition, that is most illuminating: if B views A’s request and the threat of punishment in the case of non-compliance as legitimate, the request will not be viewed as coercive in the moralized sense. If, on the other hand, B considers the request and/or threatened punishment illegitimate (for any reason), the request will be viewed as coercive. For example, most Americans seem to accept, however grudgingly, the state’s right to collect taxes. Consequently, few people claim that they are being coerced to pay taxes. A demand from a mobster for “protection payments,” on the other hand, would be viewed as illegitimate and therefore coercive.

The central role played by the legitimacy factor in defining moralized coercion becomes evident when one attempts to separate blackmail – which is widely considered coercive in the moralized sense of the term – from non-coercive interactions that appear similar in many respects. Wertheimer writes: “It is not blackmail if A threatens to sell a product or service to C unless B pays a certain price, or threatens to sue B for damages unless B settles out of court, or threatens not to extend B’s loan unless B puts up additional collateral, or threatens not to marry B unless B signs a prenuptial agreement. What is the difference between these sorts of threats and blackmail? Lindgren suggests this. In all of these cases, A threatens a consequence that is his to dispense – his product, his right to sue, his right to be repaid, his right to marry” (p. 99). In

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22 Barnard (2001) notes that “Rousseau was among the first to question the adequacy of consent, let alone tacit consent” – a position echoed by Max Weber, who found mere passive compliance inadequate as a basis for determining a regime’s right to rule (p. 27).
other words, these threats are considered legitimate. A blackmailer, on the other hand, threatens punishment, which the society considers outside his rights, i.e. illegitimate. Legitimacy is the single factor that separates blackmail from other interactions involving threats that are structurally similar, if not identical to blackmail. It is enough, though, to result in the “coercion” label being applied to blackmail, but not the other uses of threat, in addition to the outright criminalization of blackmail.

Another practice that appears inseparable from coercion if we disregard the legitimacy factor and focus instead on such factors as the presence of threats and freedom of choice is plea bargaining. Wertheimer (p. 126) writes: “Kenneth Kipnis has argued that a defendant’s decision to accept a plea bargain is analogous to the victim’s decision to turn over his money in the gunman example – “Your money or your life.” 23 But, as the continuing practice of offering plea bargains to defendants in criminal cases suggests, the prevailing view holds this type of proposal as one that does not create duress. The reason is that the offer of a plea bargain is widely viewed as legitimate: “even ignoring the obvious move that the prosecutor is offering leniency and not threatening severity, the prosecutor has the right (and arguably the duty) to carry out his declared unilateral plan” (p. 127).

Generally speaking, all threats/requests that are illegal are also illegitimate, but not all threats are illegal and/or illegitimate. Wertheimer observes that there are many threats we are entitled to make (p. 93), and such “non-wrongful” threats do not constitute legally recognizable duress (p. 31). As a general rule, it is not wrong to exercise a legal right (p. 39). However, even threats that are not independently illegal can still be illegitimate under certain circumstances. For example, it is not independently illegal to threaten criminal prosecution, but it is not legitimate to use such a threat to achieve personal ends (e.g., to collect a debt). A court has found an agreement obtained under such circumstances to be void “even if the amount agreed to be paid was due, because the use of criminal prosecution as a means of collecting a debt is against public policy; such threats... constitute a menace destructive of free consent.” 24 Although the court ruling cites preservation of “free consent” as the motive for its decision, this case has little to do with free consent and everything to do with legitimacy of the threat. If A threatened to take B to a small claims court (or any other civil court designated to hear such cases) unless B paid amount due to A, B would have no more and no less freedom to make a decision, yet no court would find this coercive and invalidate the agreement to pay. The real issue here is the legitimacy of using criminal prosecution as a tool for achieving personal goals.

This shows that legitimacy of a request is defined not only by its immediate content (what A is asking B to do and what the threatened punishment is), but also by the context in which it is made, i.e., the same request can be viewed as legitimate in one setting but illegitimate, and therefore coercive, in another. For example, when an attorney (A) informs a defendant (B) that he will not take B’s case unless B agrees to pay a certain fee, we would need to know the context to determine if the request is coercive. If A is under no legal obligation to take B’s case, we would be likely to concede that A has every right to insist on payment

24 276 P.2d 88, 91 (1954), quoted in Wertheimer, p. 27.
of her fees as a condition of taking up the case. If, on the other hand, A is a public defender assigned by court to handle B’s case, her request of an additional fee as a condition of performing her duties conscientiously would be illegitimate and therefore coercive.

Exactly why we view certain proposals as legitimate, while judging substantively similar proposals as illegitimate cannot always be explained consistently. For example, as was noted earlier, organ sales by the poor have been found to be coerced even though the donors may not only affirm that they act freely, but also clearly benefit from a substantial financial reward. On the other hand, many hundreds of American workers are killed and thousands are injured while performing low-paying dangerous work, and their claims of duress are typically rejected, although these workers would not take such jobs if not for the pressures generated by poverty and a lack of less dangerous ways to make a basic living. In the end, each society defines – somewhat arbitrarily – its own “rules of engagement” that govern what types of influence it considers legitimate. Wertheimer cites Kronman’s observation that “in bargaining with others, one is permitted to exploit one’s information, knowledge, and financial resources, but not one’s capacity for deception or one’s superior strength – although superiorities in intelligence, information, and financial resources are, at least in principle, no less powerful than superiorities in physical strength” (p. 51).

This state of affairs is reflected in Max Weber’s view of legitimacy as something that essentially lies in the eyes of the beholder. The idea that legitimacy of A’s request that B do X is defined by whether it is believed that A has the right to make that request does not help us predict whether a particular request will be viewed as legitimate, but this is not a fatal flaw. For the task of determining whether a particular request will be considered by B as coercive, it is more critical to know whether B perceives the request as illegitimate – for any reason – than why B holds that view. This is not to say that understanding what constitutes legitimacy is unimportant, only that listing criteria that will enable “positive identification” of any given proposal as legitimate or illegitimate under any circumstances is virtually impossible. Weber’s view of legitimacy also prepares us for the unsettling reality of the same request being viewed as legitimate by some audiences, but not others, which, in turn, helps explain the discrepancies in findings of coercion in the academic literature and even court rulings.

### Two Definitions of Coercion as a Mode of Communication

Analysis of the two meanings of the term coercion which exist within the communication domain suggests two definitions of coercion as a mode of communication:

- **In the sociological discourse framework**, coercion is a communication process whereby the sender uses or threatens to use punishment to compel the receiver to perform a certain behavior.

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In the moralized discourse framework, coercion is a communication process whereby the sender illegitimately uses or threatens to use punishment to compel the receiver to perform a certain behavior.

The close resemblance between the two definitions reminds us that although the discussion of sociological and moralized meanings of the term as two different categories may have suggested that they are completely separate, technically [and linguistically] this is not the case. There is a great deal of overlap between sociological and moralized meanings of coercion:

Both definitions suggest that coercion is a communication process, in which the sender (A) either uses or threatens to use punishment with the goal of persuading the receiver (B) to comply with a specific request. The elements of the process – the threat, the demand, the nature of the punishment, and the source of punishment (the sender herself) – are known to the receiver. The sender often derives a direct tangible benefit from the receiver’s compliance, although this condition does not have to be clearly present. The single factor that distinguishes moralized coercion from sociological coercion is the legitimacy factor (the threat used by the sender to influence the behavior of the receiver must be illegitimate to be classified as coercive in the moralized framework). However, even this factor does not really separate moralized and sociological meanings: the latter simply does not raise the issue of legitimacy, i.e., to establish coercion within the sociological discourse framework, we do not need to know if A has, or is perceived to have, a right to threaten B with punishment.

Thus, the two meanings exist in a relationship represented in Figure 1:

![Figure 1](image)

All instances of moralized coercion are also examples of sociological coercion, although not all interactions characterized as coercive in the sociological sense are coercive in the moralized sense.
Consequences of Failure to Distinguish Between Sociological and Moralized Meanings of the Term “Coercion”

Despite the many similarities and common characteristics shared by the two meanings of the term “coercion,” it is critically important that we differentiate between them, and the importance of doing so goes beyond the aesthetic value of categorical precision. The single factor that separates sociological coercion from moralized coercion places them in different discourse frameworks – the sociological framework and the ordinary language framework. In everyday language, the term “coercion” is typically reserved strictly for moralized coercion, i.e., coercion characterized by threats and/or use of punishment that lack legitimacy. Consequently, the “ordinary language” meaning of the term is loaded (quite understandably) with negative connotations, while interactions involving legitimate threats are not even likely to be described as “coercive”; instead, such terms as “persuasion” or “influence” are likely to be used. As long as the two meanings are kept separate, their duality creates no complications. Problems arise, however, when the lines between the two discourse frameworks are blurred. Some speakers operating in the ordinary language framework are aware of the sociological meaning of the term coercion and will use it to describe instances involving legitimate threats. When that happens in ordinary language contexts, confusion often follows. Wertheimer offers several examples of such confusion, including the following:

“…you arrive home one evening to find that an intruder has broken into your house and is assaulting your wife. Before you are noticed, you grab your pistol from the desk drawer and threaten to shoot him if he does not immediately leave. He leaves. According to [many] analyses . . . you have COERCED him into not raping your wife. This seems absurd” (Ryan (1980), quoted in Wertheimer, p. 11).

Our reluctance to classify the situation as coercive is understandable, especially in the context of Wertheimer’s analysis: in the ordinary language, such a classification would imply moral disapproval that would not be warranted under the circumstances. On the other hand, requesting that B does X at gunpoint seems like a classic example of coercion. The appearance of “absurdity” disappears if we separate the sociological and ordinary language meanings of the term. Threatening the intruder with a gun may not be coercive in the ordinary language if the threat is not wrongful/illegitimate, but it is still clearly coercive in the sociological sense of the term.

Confusion resulting from the failure to differentiate between the two meanings is not limited to hypothetical examples. Courts typically use the ordinary language meaning of the term while adjudicating claims of duress. (Wertheimer’s proposal prong has no relevance when we speak of coercion in a sociological sense, for any use of a threat is an exercise of coercive power; rather, it explains the use of the term in the ordinary language, including the language of the court.) Yet, the sociological meaning of the term keeps finding its way into legal discourse. For example, in Simmonds Precision Products, Inc. v. United States,
“the court did not deny that the government’s threat was (in some sense) coercive. Rather, it was not ‘offensively’ coercive, therefore there was no duress” (Wertheimer, p. 41).

Attempting to clarify the usage without explicitly distinguishing between the two meanings only creates more confusion. For example, Wertheimer notes some philosophers’ conclusion that legitimate threats cannot be coercive, but, he points out, this is false, since in the sphere of law we often speak of legitimate coercion (p. 188). This position is somewhat surprising, for it seems to contradict Wertheimer’s own two-prong theory of coercion: if a threat is coercive only if it is wrongful, as the two-prong theory of coercion claims, the idea of legitimate coercion implies that there are legitimate threats which are wrongful. The idea of wrongful legitimate threats would be paradoxical, for most known definitions of wrongfulness and legitimacy position the two as mutually exclusive. The paradox is an illusion, though, caused by a lack of precision in defining the key term: philosophers who suggest that legitimate threats cannot be coercive are right, as long as we speak of coercion in the ordinary language sense of the term (which is at the center of Wertheimer’s own analysis), while Wertheimer’s argument that legitimate threats can be coercive is perfectly acceptable (despite the apparent contradiction with his own analysis), as long as we understand that they are coercive only in sociological sense of the word.

In the end, Wertheimer’s attempt to explain inconsistent usage without clearly separating the sociological meaning of coercion from the moralized ordinary language meaning leads to less than satisfactory results: he suggests that “proposals which are not wrong under the proposal prong are best understood as offers [rather than threats] and therefore do not create coercive situations in the first place” (p. 268), since only threats coerce, but offers do not. Despite having a notable philosophical value of drawing our attention to the relativity and, sometimes, interchangeability of such concepts as threats and offers, this position is inconsistent with Wertheimer’s own definition of threats and offers, to wit, “A threatens B by proposing to make B worse off relative to some baseline; A makes an offer to B by proposing to make B better off relative to some baseline” (Wertheimer, p. 204). The notion that a letter from the Department of Motor Vehicles (DMV) stating that my driver’s license will be suspended unless I file a traffic accident report, as required by state law, is an offer runs counter to common linguistic intuition. True, the DMV’s proposal is not wrong under the proposal prong, for it has a right and a duty to enforce the law, but this does not make it an offer. To the contrary, it is clearly a threat. Because it is a legitimate threat, I may not view the act of filing the requested report as coerced in the moralized sense of the term, but the threat is clearly coercive in the sociological sense.

26 see, for example, Haksar, Coercive Proposals, 67, quoted in Wertheimer, p. 214
Two Types of Coercion as a Mode of Communication

While the legitimacy factor clearly places sociological and moralized meanings of coercion in two different discourse frameworks, the two meanings do not correspond to two types of coercion. Or, rather, one can say that the considerable overlap between the two meanings of the term makes them unsuitable for the role of coercion types. We could eliminate the overlap by agreeing that moralized coercion refers to illegitimate use of force or threats and reserving the term sociological coercion for legitimate threats. However, I believe a better solution is to separate the two naturally overlapping meanings of the term “coercion” from two mutually exclusive types – legitimate coercion and illegitimate coercion. Instances of both legitimate and illegitimate types of coercion can be said to be “coercive” in the sociological meaning of the term, but only instances of the second type (i.e., illegitimate coercion) can be called coercive in the moralized sense.

Preliminary Conclusions and Implications

Based on the analysis offered in previous chapters and the conceptualization of coercion developed in the present chapter, we can draw several preliminary conclusions about the nature of coercion, its relationship to persuasion, and the potential place of this concept in theories and research related to communication and conflict resolution and in the actual practice of these disciplines.

Coercion is (Mostly) a Mode of Communication

Results of our investigation seem to support the hypothesis advanced in earlier chapters that persuasion and many incarnations of its socially undesirable sibling coercion are more closely related than students of communication are accustomed to believe. It is true that some uses of coercion do not reference bona fide communication processes. (Figurative uses of the term, in particular, may or may not signify any communication act whatsoever.) Such usage of the term is not typical, however. Most common uses of the term invoke its sociological and moralized meanings, which frame coercion as a communication process in many ways indistinguishable from persuasion. Therefore, there is no legitimate reason why coercion should not be investigated within the framework of communication research. By ostracizing coercion as an object of research, we fail to study a pervasive form of communication.

Symbolic Nature of Many Uses of Force

Although it is useful to separate coercion as a threat to use punishment, which clearly exists in the communication domain, and coercion as the use of punishment, whose membership in the communication family is more
contentious, it seems clear that the use of punishment – including the use of armed force – may often (a) be symbolic; and (b) have a communication function. Sometimes, the latter is the main and even the only function, e.g. when hostage-takers kill one of the hostages for no reason other than to communicate the seriousness of their intentions. When the use of force or any other punishment is symbolic and employed as a means of communication, we can expect it to be subject to the same limitations as any non-coercive persuasive message.

The Illusion of Freedom: Freedom of Choice and Rationality Do Not Separate Persuasion from Coercion

We found that contrary to popular belief, the two factors that do set coercion apart from non-coercive persuasion are the source of punishment (in the case of sociological coercion) and legitimacy (in the case of moralized coercion), but not the freedom of choice, voluntariness, or use of rational reasoning. Some solid analyses of coercion indeed rely on the notion of voluntariness, but in those investigations the concept of voluntariness is synonymous with legitimacy of the request made by the sender: B is said to act voluntarily as long as A’s request is legitimate, even if A invokes a threat of punishment, which would make non-compliance unreasonable. This finding has three implications:

1) Freedom of choice plays a less important role in shaping responses to communication messages than traditionally thought. Although restricted freedom of choice is, indeed, characteristic of all coercive interactions, it is not absolute; nor is this phenomenon exclusive to coercion.

2) The freedom of choice assumed to exist in persuasive interactions is often illusory. Many non-coercive persuasive interactions are characterized by appeals to behavioral options available to the receiver that are as limited as in case of sociological or moralized coercion. The important question, it seems, is not “Is the receiver free to respond to a message in any way she chooses despite the threat of punishment?” but rather “Does the receiver think that the sender has the right to threaten punishment in case of non-compliance with the demand?”

3) Neither freedom of choice available to the receiver, nor receiver’s use of rational reasoning in the course of choosing a response to the sender’s request, is a useful measure of the (im)morality inherent in a persuasive message – regardless of whether it contains elements of coercion.

Punishment Does Not Define Coercion

While the use or threat of use of punishment is central to the concept of coercion (both sociological and moralized), it is not exclusive to coercion, for punishment is often invoked in “non-coercive” persuasive messages. The source of punishment is the factor that distinguishes sociological coercion from non-coercive persuasion relying on a prospect of punishment for its effectiveness, while the legitimacy factor (specifically, the illegitimacy of the demand expressed by the sender) defines coercion within moralized discourse framework. Thus, in the classic gunman example, the central element defining the situation as coercive in the moralized sense of the term (dominant in the legal sphere and the
ordinary language) is not the threat of bodily harm involving a deadly weapon, but the illegitimacy of the act. This suggests that neither threat nor use of punishment, including the use of armed force, is necessarily coercive in the moralized sense of the word. Legitimate threats of punishment ("sociological coercion") are not likely to be viewed as coercive in the ordinary language discourse framework.

Legitimacy is Central to Understanding Coercion in the Ordinary Language Discourse Framework

The use of the term "coercion" in the ordinary language discourse framework implies that the demand made by the sender is viewed as illegitimate. In the end, it is not as much the threat of punishment itself (which, of course, is always present in coercive situations, but is also characteristic of many persuasive contexts), or the restriction on one’s freedom, but rather the perception of being treated unjustly and the relationship of illegitimate control and domination between participants of a coercive transaction that cause so much resentment toward the concept of coercion.

While we can identify coercion reliably within the sociological discourse framework (for in that framework the concept of coercion is grounded in empirical criteria), in the ordinary language framework, the same interaction may be classified as coercive by some, but not others. Because moralized coercion is defined by the perceived illegitimacy of the sender’s message, and judgments of legitimacy are subjective, we can expect some variance in findings of coercion in the ordinary language discourse framework.

Specifying the Type of Coercion is Essential to Avoid Confusion

There are at least three distinct meanings of the term coercion, which are used in different contexts for different purposes; this plurality of meanings and uses precludes a single definition of coercion. Even when we set aside figurative uses of the term that have little to do with communication, we are still left to contend with two meanings (sociological and moralized) that belong to two separate discourse frameworks.

Based on the measure of legitimacy attached to a particular proposal, all instances of coercion within sociological and moralized frameworks fall in one of two mutually exclusive categories: legitimate coercion or illegitimate coercion. Confusion resulting from the failure to distinguish between the two types and the failure to draw a line between sociological and moralized meanings of the term illustrates Wittgenstein’s thesis that many philosophical problems are pseudo-problems, created when philosophers use ordinary words in unusual ways. It also suggests the following:

1) When we use the term “coercion” without specifying the discourse framework and the type of coercion we are referring to, we run a risk of creating pseudo-paradoxes. Specifying the discourse framework and the type of coercion under discussion is likely to prevent such confusion.

2) Given the lack of precision in defining coercion and the consistent failure to distinguish between moralized and sociological meanings of coercion
in academic literature (as well as in other contexts where the term is used), it seems reasonable to expect that erroneous assumptions about illegitimate coercion and the negative connotation attached to this construct will affect how legitimate coercion is viewed in communication and conflict resolution theories.

The outline above highlights some of the more general implications of the conceptualization of coercion developed so far. In the third part of the dissertation, attention will focus on how this conceptualization fits into contemporary approaches to conflict resolution, particularly those aiming to prevent deadly conflict.
CHAPTER EIGHT

IMPLICATIONS OF THE NEW CONCEPTUALIZATION OF COERCION FOR CONFLICT RESOLUTION THEORY AND PRACTICE

*Human beings do not live in the objective world alone, nor alone in the world of social activity as ordinarily understood, but are very much at the mercy of the particular language which has become the medium of expression for their society.*

- Edward Sapir

**Introduction**

The conceptualization of *coercion* as a mode of communication, offered in part 2 of this dissertation, contributes to the communication field by addressing apparent gaps in communication theory and, potentially, even opening up new directions in communication research. Also, some of the findings of coercion analysis, which were outlined in the concluding sections of chapter 7, also have implications for the theory and practice of international conflict resolution and prevention. The findings related to the relationships between coercion and punishment, and between legitimacy and the moralized meaning of coercion, seem particularly relevant.

The concepts of punishment – especially the kind of punishment that involves force – and coercion have such a close association in conflict resolution literature that they are used interchangeably, and both are viewed in a uniformly negative light. The findings of the previous chapter, which suggest that within the ordinary language framework punishment and coercion are not synonymous and that not every use of punishment is coercive within this framework, challenge this view.

In this chapter, we will take a closer look at the notion of punishment and its place in conflict resolution theory, as well as the implications of our analysis of coercion for conflict resolution theory and practice. This analysis will lay the foundation for reexamining the idea of conflict prevention in chapter 9. Finally, chapter 10 will offer a summary of this study’s results, limitations, and
suggestions for future research. Together, these three chapters constitute the third and final part of the dissertation.

**Understanding of Coercion Shapes Understanding of Conflict**

In a discussion on the language of coercion, Wertheimer sheds light on the reasons why defining coercion has proven to be so tricky. The contextual character of coercion claims (highlighted by Wertheimer but unacknowledged by most other analyses of coercion), and the lack of linguistic placemarks separating different meanings of the term are almost guaranteed to lead to the fallacy of equivocation if one assumes – characteristically in analyses of coercion – that it is “possible and desirable to identify a single set of necessary and sufficient truth conditions for all coercion claims” (p. 179-191). The fallacy involves confusing distinctly different meanings of an ambiguous word within the context of an argument. For example, in the argument

- Killing is wrong;
- Capital punishment is killing;
- Therefore, capital punishment is wrong,

the killing referenced in the minor premise (“capital punishment is killing”) is not necessarily the same killing as the one in the major premise (“killing is wrong”). (Supporters of capital punishment could argue, for example, that only unjustified killing of innocent people is wrong, so while capital punishment may be an example of killing in some sense of the word, it is certainly not the kind of killing which is referenced in the major premise of the argument and which they themselves see as wrongful). Thus, although the argument may look like a syllogism (All A is B, All C is A, All C is B), the act of equivocating the two distinct meanings of killing makes it a fallacy.

In the context of the present discussion, the fallacy of equivocation involves failing to distinguish among the distinct meanings of the term coercion, as well as among the contexts in which these meanings are utilized. Curiously, Wertheimer seems to suggest that apart from the disagreement about the definition of coercion and the characterization of certain scenarios as coercive, the consequences of committing the fallacy of equivocation when discussing this notion are not particularly dramatic.

In part, his analysis does support the assertion that “very little of genuine moral or political significance ultimately turns on what we say about coercion” (p. 181). For example, Wertheimer argues convincingly that to make a case that capitalist wage offers are immoral, it would matter little whether we could claim that workers who accept those offers are, in some plausible sense, coerced to do so (e.g. by economic pressures and a lack of other opportunities to make a living). To have any persuasive force, the argument would have to be based on grounds other than the identification of such offers as coercive.

True enough. I shall argue, however, that in other contexts what we say about coercion does matter – precisely because of the prevalence of the equivalence thesis, which takes the form of an assumption that coercion is a single conceptual entity.

In chapter 7, it was suggested that there are at least three distinct meanings of the term coercion: figurative, sociological, and moralized, with the
last two being the dominant ones. If the sociological and moralized meanings of
the term are not separated and coercion is viewed as a single notion, negative
connotations associated with illegitimate coercion are likely to taint our view of
legitimate uses of punishment.

Once we define coercion primarily in terms of violations of freedom of
choice – an erroneous but common practice\(^\text{27}\) – we are led to view coercion as
morally wrong, or, at the very least, suspect. Add then the minor premise that
any use of punishment is coercive (as it certainly is, albeit only in the sociological
sense of the term), and the conclusion that all punishment is somehow morally
deficient seems inescapable. Far from being a purely hypothetical line of
reasoning, this description of coercion is a standard feature of many an analysis
of international conflict. Barry, for example, writes: “Because coercion violates
freedom, it is a socially undesirable means of interaction. …[In international
relations] the basic definition and principle remain the same: coercion involves
the threat of force to influence another’s decision, and that threat involves an
infringement on freedom” (The Sword of Justice, p. 2). This view of coercion
does not lead Barry to reject the just-war approach, but it does lead to questions
about coercive diplomacy and its ability to secure lasting agreements:

The problem is that most moral philosophers claim that coerced
agreements do not impose binding obligations.\(^\text{28}\) The argument is that
one is obligated only to those agreements that one enters freely.
Coercion constrains freedom, and thus reduces obligation. If a party is
literally “forced” to enter into an agreement, then there is no freedom to
choose, and thus no obligation. What this means is that while
agreements reached through coercive diplomacy may be codified in
treaties, and thus be legally binding, they may not be morally binding
on the coerced party (p. 162).

This is a characteristic example of confusion that arises when we fail to separate
moralized and sociological meanings of coercion: while coerced agreements are,
indeed, viewed as legally non-binding by courts and may be viewed as morally
non-binding by ethicists, coerced in this context is a moralized concept, i.e. an
agreement is deemed coerced only when the pressure is wrongful/illegitimate.
Any other interpretation would result in most agreements being pronounced
non-binding. Thus, in the example above, potential limitations of coercive
diplomacy cited by Barry have nothing to do with restricted “freedom to choose”
and everything to do with the legitimacy of the pressures exerted by the parties.
The issue, then, is not that coercive diplomacy relies on threats or applications of
punishment, but that such pressures may be viewed as illegitimate by the
receiver, which may lessen the receiver’s commitment to the settlement process
and to any agreement reached in the course of the process.

The erroneous assumption that violation of freedom is the key defining
characteristic of coercion, coupled with the consistent failure to distinguish

\(^\text{27}\) We have established that while restricted freedom of choice is, indeed, a necessary condition of
coercion, it is not what separates coercion from other modes of influence, for restricted freedom
of choice also characterizes many non-coercive interactions.

between legitimate and illegitimate coercion, may be one of the reasons for the conspicuous inattention, borderline neglect, with which punishment is treated in conflict resolution theory. By this I mean that (a) some of the most common uses of punishment (including threats of punishment) in conflict resolution are not recognized as such, and (b) punishment is not seen as an acceptable tool of conflict resolution and prevention. I shall argue that this failure to acknowledge the role of punishment in determining human behavior at all social levels is at the root of the failure of this field of study to offer effective strategies for preventing violent international conflicts.

Behaviorism, Performance Management, and Inevitability of Punishment

Omnipresence of Punishment

That punishment – particularly the kind involving the use of armed force – is undesirable and to be avoided until all peaceful means are exhausted has become an axiom in the discipline of conflict resolution and, more recently, prevention. A review of conflict resolution methods advocated by conflict resolution literature reveals one common characteristic: these methods are proposed as a superior alternative to punishment-based approaches, particularly when punishment refers to armed force.

This attitude is understandable in light of popular wisdom (e.g. “violence begets violence”) and the popular association of coercive power – and, by extension, punishment – with illegitimacy. Yet, to a student of human behavior the nearly total absence of punishment from the international conflict resolution toolbox must seem rather surprising. As much as we may cherish the myth of a “free agent” acting mostly on her own volition, even a perfunctory examination of antecedents and consequences governing human behavior inevitably reveals a vast array of behaviors we perform, or even more often, choose not to perform, because of the possibility or inevitability of punishment.

Behavioral psychology is one of the few disciplines that look at punishment in a strictly impartial manner, which makes it a particularly suitable as a framework for a discussion of punishment. Although B.F. Skinner’s behaviorism is no longer considered the cutting edge of modern psychology, for those interested in the behavior of humans and animals alike its principles are as relevant as ever. Explored, refined and fine-tuned over the past forty years in the field of Applied Behavioral Analysis and popularized through such applied disciplines as Performance Management, the principles advanced by Skinner also provide a useful framework for analyzing various methods of conflict resolution and prevention.

In a nutshell, Performance Management suggests that behaviors are shaped by antecedents – thoughts, commands, impulses that occur before a
behavior takes place – and consequences, which follow the behavior. Antecedents are used to provide an impulse to a new behavior or signal that an existing behavior needs to stop, but without appropriate consequences antecedents do not remain effective for long. If the consequences are positive, i.e. desirable to the actor, they reinforce the behavior, and the actor is likely to engage in the same behavior in the future. If the consequences are negative, i.e. undesirable to the actor, the behavior is less likely to be repeated in the future. Thus, if we want A to do – and keep doing – X, we need to ensure that the behavior is reinforced, i.e. the behavior has a consequence (a reinforcer) that A likes. Alternatively, if we want A to abstain from doing X, we need to make sure that either (a) the behavior is not reinforced, or (b) the behavior has a consequence which A does not like. In the absence of consequences, antecedents quickly lose their effectiveness.

Negative consequences of engaging in a behavior are known as punishment. Importantly, in Performance Management the concept of punishment lacks the negative connotation associated with it in ordinary language. It is one of the two major kinds of consequences (reinforcement being the other major kind), and it has both uses and limitations. For example, because punishment can only stop an unwanted behavior, while the goal of performance management is to have individuals engage in desirable behaviors, it is not viewed as the most potent means of controlling behavior; reinforcement, which promotes desirable behavior, is the obvious consequence of choice. Over-reliance on punishment is cited as one of the most typical mistakes made by managers at all levels. Still, when we are confronted with unwanted behaviors that have a history of reinforcement (i.e. the behavior has brought certain consequences which the actor likes), punishment may be an indispensable tool for stopping the behavior.

The idea of embracing punishment even to a limited extent to control human behavior may seem somewhat unrefined, if not barbaric. After all, is punishment not a mark of illegitimate, totalitarian regimes? Perhaps. Such regimes do not have a monopoly on its use, though. The principles of behavioral psychology are not ideological. Rather, they are universal. Although dictatorships may be thought to be more likely to rely explicitly on punishment to control the populace, even states that proclaim utmost adherence to the principles of democracy and individual liberty have to rely routinely on threats of punishment to ensure basic functions of governance.

The example of the tax collection process in the United States (or in any other country) demonstrates punishment’s essential systemic role. Few would disagree with the idea that some form of taxation is necessary for maintaining the basic infrastructure of any state. Yet, even with the existing strict penalties, tax evasion is not uncommon. There is little doubt that eliminating the prospect of punishment for not paying taxes and choosing to rely, instead, exclusively on “rational persuasion” would inevitably result in a bankrupt treasury. And this example is far from unique. Legitimate coercion is part of everyday life in all societies, and many uses of punishment are accepted as indispensable tools of behavior control at all social levels. Indeed, governments may attempt to

29 The following overview of performance management is based on Performance Management: Improving Quality Productivity through Positive Reinforcement, by Aubrey C. Daniels (1989).
maintain a monopoly on the use of armed force, but they are not the only agents utilizing punishment, which, of course, is not limited to the use of armed force. Examples of routine applications of punishment range from an employer using a disciplinary action to get his workers to arrive at work on time, to a parent “grounding” her child for misbehavior. Moreover, in many everyday communication situations we often rely on coercion (as defined in the sociological sense of the term) without realizing it. Miller (1980) suggests: “much persuasive discourse is indirectly coercive. In other words, the persuasive effectiveness of messages often depends heavily on the credibility of threats and promises proffered by the communicator” (p. 12). There is little doubt that he is right.

Coexistence of Persuasion and Coercion

Inhabitants of any modern (or not so modern) society have two options when it comes to accepting the rules of conduct which they would not be inclined to adopt on their own: a) they can “voluntarily” agree to accept such rules as legitimate (one could say, be persuaded to accept them), or b) they can choose to reject such rules, and then the society will attempt to force a change in the dissidents’ attitudes and behavior through some application of punishment. The effects of these parallel structures are difficult to separate, though. Airaksinen (1988) suggests that while a criminal presented with a threat by a police officer is genuinely threatened, in the case of an innocent citizen presented with the same threat the threat is redundant, “as this person would obey even without the threat” (p. 145). I shall argue that the apparent redundancy is mostly illusory. If the state were suddenly stripped of all power to use punishment, and disobeying the orders of, say, police officers did not bring about any negative consequences, many presently law-abiding citizens would choose not to follow directives they see as unnecessary, just as eliminating punishment for tax evasion would inevitably result in great numbers of presently obedient citizens suddenly deciding not to pay taxes. The main point here is this: messages directing us to act in certain ways that seem to contain no explicit threat may be effective only insofar as they are backed by a credible prospect of punishment in the event of non-compliance.

Even though there is a high degree of probability that we would engage in some behaviors and avoid others if not for the threat of punishment, we do not always feel we are being coerced even when the threat is fairly explicit. The findings of chapter 7 explain why some explicit threats are not viewed as coercive: within the ordinary language framework, a threat has to be viewed as illegitimate or “wrongful” to be classified as coercive.

For example, if a police officer issues me a speeding ticket, I will probably pay the fine, even though I may feel that the ticket was quite unnecessary and even unfair. But even if I fully accept the legitimacy of the fine, in the end, the only reason for writing a check is the knowledge, derived partly from the warning printed on the ticket, that failure to pay the fine would result in the cancellation of my car registration, the suspension of my driver’s license, or some other equally unwanted consequence. And yet, when paying the fine I may feel resentful and even angry, but I would be unlikely to say that I am being coerced.
The speeding ticket is a punishment for breaking a rule, and I certainly recognize it as a punishment, yet I also realize – however grudgingly – its legitimacy and, therefore, do not feel coerced, even if I am aware of the coercive (sociologically speaking) power of the state that prompts me to write a check.

Systemic Threats of Punishment

While we may not feel coerced when confronted with legitimate threats of punishment, we still recognize them as threats of punishment. However, such threats constitute only a fraction of all uses of punishment that shape human behavior. To be effective, punishment needs to be neither actually used, nor threatened in a message directed to a particular audience. One could even argue that the most effective uses of punishment are systemic threats of punishment that rarely need to be made explicitly (as in the case of the warning printed on a speeding ticket) or even implicitly (as in a request from the boss to “please try to be on time from now on”).

Unlike explicit or implicit threats contained in messages communicated ad hoc to specific audiences in specific circumstances (e.g. a road sign warning drivers not to speed in a construction zone under the penalty of doubled fines), systemic threats are neither stated explicitly at any particular time, nor directed at a specific group. Rather, they are part of the fabric of society – commandments that play a crucial role in defining which behaviors the society views as acceptable or unacceptable and thus shape the behavior of its citizens: one should not steal; one should not kill; one should (generally) follow directions of law enforcement officers; one should not take it upon himself to “teach others a lesson” by assaulting them, even if they really could use a lesson, etc. Breaking any of these rules shall result in punishment.

Such threats are usually written somewhere, but few people ever need to read them – it is simply unnecessary. Most individuals socialized in the given culture seem to be aware of these systemic threats and act accordingly. Those few who choose to ignore the warnings face punishment, which confirms the importance placed on the norms by the society. That punishment follow violations of such norms is essential for the effectiveness of systemic threats. As was noted above, in the absence of consequences, antecedents quickly lose their effectiveness. On the other hand, if punishment follows an undesirable behavior with a relatively high degree of predictability, the threat of punishment becomes a powerful antecedent that helps avert future instances of that behavior.

An integral part of the social environment, such threats are responsible for making more overt uses of punishment largely unnecessary, to the point of making them appear redundant, as suggested by Airaksinen in the example of a police officer threatening an innocent citizen. When the negative consequences of performing a behavior are perceived to be sufficiently immediate and certain, few will engage in that behavior. Even if the consequences are not as immediate and certain as, say, in the case of someone touching a live electrical wire with one’s bare hands, but are sufficiently negative, the deterrence effect can be significant.

For example, when we see a police car flashing blue lights behind us, we pull over. As in the speeding ticket example, the reason why most drivers comply
with the command ultimately resides in the coercive power of the state (represented by the police officer) to deliver punishment. However, this time, there is no persuasion or coercion – however defined – present: the police officer does not need to present any arguments to convince most motorists to stop – communicating the command (i.e. turning on the blue lights) is sufficient. What makes it sufficient, though, is not the innate obedience and respect for authority on the part of the driver, but the knowledge of the relatively immediate and certain punishment for non-compliance – perhaps, a car chase followed by an arrest, detention, court appearance, heavy fines and probation if not imprisonment. For most drivers, the negative consequences of ignoring the blue lights in their rearview mirror by far outweigh any possible benefits (e.g. the exhilaration of a chase, time saved by not stopping, not having to explain to a stern-looking stranger why the driver did not come to a complete stop at a stop sign, etc.). Those who make the decision to try to escape may perceive the consequences as not certain (“I can easily outrun a police cruiser”) or not negative enough (“I am driving a stolen car with a dead body in the trunk, so trying to escape is, on balance, a rational step, for it will not make my situation much worse while offering the possibility of avoiding negative consequences altogether”).

There is also a certain (probably rather small) percentage of drivers who do not “choose” to lead police on a chase but rather act irrationally on an impulse. While interesting in some respects, such behaviors are of little interest to us now because (a) they are relatively rare; (b) very few, if any, international conflicts start solely on the irrational impulse of an individual; (c) perhaps most importantly, the differences in what rationality means and how it manifests itself at the individual and international levels is largely irrelevant for the purposes of the present discussion. Applied Behavioral Analysis does not presuppose an ability to reason on the part of the receiver: while such an ability makes it easier for the sender to communicate certain kinds of antecedents, consequences bear the primary responsibility for sustaining a behavior, and consequences can be as effective in shaping the behavior of, say, a dog or a cat as in the case of human behavior. Thus, while rationality may affect the behavior of individuals and states in substantially different ways, we can expect other differences between these two levels of analysis to be more consequential. (One such difference – the immediacy and certainty of consequences following criminal behavior – is discussed in chapter 9.)

The important question, then, is not whether drivers choose to pull over when they see flashing blue lights in their rearview mirror, but, rather, how many would pull over if there were no consequences of non-compliance, i.e. if the law stated, for example, that motorists are required to pull over, but provided no punishment for those who do not? A fairly uniform answer to this question is given every time one witnesses a breakdown of the state’s ability to enforce the law of the land, from the relatively innocuous examples, such as a “meter maids’” strike in Montreal in 1998 (not surprisingly, all of a sudden no one viewed paying for parking or observing time limits important enough to follow, and driving in the city became nearly impossible because of “double-parked” cars); to more sinister ones, such as the looting of stores and general mayhem that inevitably accompanies riots even in countries with relatively low levels of crime; to the extreme examples of a complete breakdown of civil norms, such as
the violent chaos experienced in Iraq immediately after the 2003 invasion by US and British troops.

**Thou Shall Not Punish: A Performance Management Perspective on Contemporary International Conflict Resolution Theory and Practice**

The purpose of the discussion above was neither to offer an exhaustive examination of the role played by punishment in shaping human and animal behavior, nor to indict human nature as inherently evil or immoral. Rather, the aim was to highlight the fact that punishment is an essential tool of behavior control in all societies, irrespective of their political structures, philosophical and religious orientations, or other values. This is not to suggest that decency, morality, respect for authority and obedience to the law are illusory – only that they are, perhaps not totally, but to a significant extent, functions of immediacy and certainty of punishment for non-compliance with established norms. Even when behavioral norms appear thoroughly internalized, the systemic threat of punishment plays the essential role of maintaining commitment to those norms and preventing undesirable behavior.

The thesis above should be fairly uncontroversial: that punishment, along with reinforcement, is a major consequence influencing behavior is an axiom accepted by most social psychologists. Indeed, a society that does not rely on systemic threats of punishment routinely and systematically, as appealing as it may be as an aesthetic or moral ideal, is utterly unthinkable as a practical design. (Even the most peaceful states with exceptionally low levels of crime do not dismantle their structures of legitimate systemic coercion, which include criminal and civil laws, police forces, courts, jails, etc.) This makes the reluctance to accept it as not only legitimate, but also essential tool of ending conflicts within the framework of international relations all the more puzzling.

This is not to say that punishment of the most brutal kind is absent from international relations. The use of armed force has always been a prominent feature of international relations, but it has been neither systemic nor systematic. Individual states have historically taken it upon themselves to use force to promote their own interests, resolve disputes with other states, and defend themselves from aggression, and the outcomes of such altercations have been determined by relative strengths of the states’ militaries, not the merits of their claims. States attacked by other states arguably have little choice but to respond to the attacks. As for the states initiating wars, military aggression may simply be viewed as the most expedient means of achieving goals that could not be achieved in any other way. And, in fact, it has worked remarkably well for the winners: many of today’s economic and military heavyweights owe much of their wealth and, indeed, their territorial makeup, to uninhibited use of threats and direct applications of armed force. Because all consequences affect future behavior, every successful use of armed force reinforces the maxim “might equals right” and thus serves as an antecedent for future uses of coercion.
The creation of the United Nations and other international institutions has done little to change the status quo. The Charter of the United Nations and the system of international law built around it have codified a set of norms and standards that member states are expected to follow, but there is still no mechanism of enforcing these norms and standards in any uniform fashion. Military heavyweights are free to use armed force with impunity, while the fate of a militarily weak states faced with aggression depends largely on whether the attacked state, or the region where it is situated, happens to be of any interest to the major powers, which get to decide if anything should be done to address the outrage beyond expressing customary concern or condemnation. A state can file a complaint with a number of international institutions, including international courts, but these institutions are not empowered to see that their decisions are enforced. In effect, the international system has courts but no police, at least not the kind that can do anything beyond turning on their blue lights and hoping that someone will pay attention. In other words, while illegitimate coercion is very much part of the international landscape, the existing order has no provision for systemic use of legitimate coercion.

Granted, this system is not a product of deliberate design. If it were, it would have to be considered a colossal failure. From the behavioral psychology point of view, this system is absurd, at least if the goal is to reduce or eliminate illegitimate coercion from international relations. How can one expect statesmen with motives and means for using military aggression as a foreign policy tool to restrain themselves from using military might at their disposal without any credible systemic threat of legitimate coercion when we could not trust those same people (as well as anyone else) to pay for parking without a threat of a parking ticket, backed up by the might of the state?

Comparing the behaviors of states on one hand to individuals’ behavior on the other can be an invitation to a charge of reductionism, and, indeed, states are obviously more complex than individuals. However, the level of complexity found at the level of inter-state relations is not so different that the principles of behavioral psychology no longer apply. Moreover, a closer look at the seemingly “coercion-free” approaches to international conflict resolution suggests that solutions designed to fill the vacuum left by the disowning of legitimate coercion from international relations suffer from one or more of the following flaws:

1) To preserve an appearance of internal and external consistency, they make implicit unwarranted assumptions that doom them to ineffectiveness;
2) They implicitly rely on coercion (usually illegitimate);
3) Their applicability is limited to conflicts of certain kinds.

In the beginning of this dissertation several assumptions about international conflict that have been questioned by students of international conflict resolution were noted (e.g. “conflicts are the result of misunderstanding” and “compromise is always possible”). Several more unwarranted assumptions and other shortcomings are outlined below.
The Assumption that Wars are Undesirable for All Parties

The assumption that war is always undesirable and has negative consequences for both parties is at the foundation of contemporary international conflict resolution theory: “Traditionally, the task of conflict resolution has been seen as helping parties who perceive their situations as zero-sum...to reperceive it as a non-zero-sum conflict...and then to assist parties to move in the positive sum direction” (Miall et al, 5-6). Burton states unequivocally that war is the worst thing that can happen to a state. This, however, is not always the case, at least not in a way that can be expected to prevent future uses of illegitimate coercion.

Contrary to what Burton’s statement seems to imply, states are seldom driven to war by unbearable pressures and the inability to arrive at any solution short of military confrontation. Often, the use of military force is simply the most expedient and even cost effective means of providing the side with superior military strength a way to reach most (if not all) of its goals within a short period of time and with few compromises. It is true that some individuals, even in the victor’s camp, may suffer (most obviously, soldiers inevitably die in the battlefield, although technological advances have allowed highly developed militaries to reduce their own death toll to historically unprecedented low levels). However, because the individuals who make decisions to start wars rarely expose themselves to the risk of dying in the battlefield, the inevitable loss of a few foot soldiers (even when “a few” means hundreds and even thousands) cannot be expected to offset the gains that sometimes benefit not only the individuals in power, but also large segments of society, thus reinforcing this behavior. Whole economic sectors can grow as a result of military action, creating new jobs and a steady flow of contracts; the military class may gain prominence and continued economic support; the economy as a whole may receive access to cheap raw materials and fuels that are objectively in short supply; new territory may be acquired; public morale may be boosted; elections may be won by distracting electorates from other issues, etc. In the final analysis, Burton’s claim that coercion does not work is simply not true. The fact that wars (and other forms of violence) are waged continuously proves unequivocally that the behavior receives plenty of reinforcement. This means that simply providing states with alternative means of addressing their concerns and fulfilling their needs cannot be expected to lead to the abandonment of war as an instrument of foreign relations.

Insufficiently Generalist Approach

In a discussion on the meanings of conflict in chapter 4 of this dissertation it was noted that some conceptualizations of conflict use an excessively generalist approach, for example, by extending the assumptions about interpersonal disputes, which are unavoidable, to international conflicts involving the illegitimate use of military force, which are not. However, an insufficiently generalist approach to international conflict, manifested in the failure to extend the principles accepted in interpersonal conflict resolution to international conflicts is equally problematic.
It is generally recognized that in conflicts between individuals (or between sub-state groups, such as labor unions and employers) negotiation, mediation, and arbitration are attractive options because they provide an alternative to a court-imposed decision and allow both parties not only to save money by avoiding court costs, but also to reach an agreement that may meet their needs better than a decision imposed by a judge. (Collectively, these alternative approaches are referred to as alternative dispute resolution, or ADR.) What is not always recognized, is that all the benefits and advantages offered by ADR are available precisely because ADR is an alternative to a court system, which remains available as plan B. Without the back-up of a court system that can “take over” the case if the parties fail to reach an agreement out of court, ADR’s attractiveness – and effectiveness – would plummet.

First, despite all the good will that may be present, it may be impossible for the parties to reach a mutually satisfying resolution to their dispute, in which case the court alternative becomes essential. Second, and more importantly, if one of the parties has no legitimate claim but refuses to admit it, the other party has the option of marching straight to the court and asking for a binding decision by an impartial third party. Courts typically consider it perfectly acceptable to rule in one side’s favor and reject the claim from the other side if the merits of the case warrant this; they also have the power to enforce the decision. This is in sharp contrast to the international system of resolving deadly conflicts, characterized by a conspicuous absence of courts with enforcement power. All that is available to states is “alternative dispute resolution” without the back-up of a court system to which ADR is supposed to provide an alternative and which makes ADR effective in the first place.

The Assumption That International Negotiation and Mediation Mechanisms are Free from Coercion

Just because international ADR is not an alternative to a court-centric system backed by legitimate systemic coercion, one cannot assume that international negotiation, mediation, and arbitration mechanisms are free of coercion. The opposite is true. When the alternative of legitimate systemic coercion is absent, illegitimate coercion fills the void. In the context of international armed conflict, negotiation and other ADR approaches provide an alternative to brute force, not to an impartial judge. This has several consequences. First, these seemingly benign and coercion-free mechanisms are often forced upon parties through threats or even the direct use of force. Second, the outcomes of resultant processes are directly influenced by illegitimate coercion. Weaker parties in asymmetrical conflicts are routinely compelled to accept settlements they (and impartial third parties) view as unjust even when no explicit threats are made. In fact, no explicit threats are necessary: the mere absence of an impartial third party willing to rule on the merits of the case and to enforce its decision introduces coercion into the process. Only the ready availability of binding arbitration or adjudication, administered by a fair and independent judge and backed by systemic legitimate coercion, would make negotiations and other modes of international dispute resolution free of illegitimate coercion.
Failure to Acknowledge the Inherent Limitations of Negotiation, Mediation, and Problem-Solving as International Conflict Resolution Tools

Negotiation, mediation, problem-solving, and non-binding arbitration are often seen as the most preferable non-violent means of resolving disputes (see, for example, Carnegie Commission on Preventing Deadly Conflict, p. 93). As was argued above, it is debatable whether these methods can be truly free of illegitimate coercion within the parameters of the existing international system, which potentially puts into question their standing as the preferred methods of resolving disputes. It is also important to acknowledge that these methods have several other inherent constraints that may limit their attractiveness and applicability.

The first and most obvious limitation has been partially addressed in the two previous sections and is grounded in the prerequisite that all parties must agree to come to the table to negotiate, mediate, problem-solve, etc. Such willingness has less to do with the innate goodness of individual participants than with the alternative options available to them. This idea is captured in the concept of BATNA – Best Alternative to a Negotiated Agreement – developed by Fisher and Ury of the Harvard Negotiation Project. BATNA is the best option available to a party in negotiation if negotiations break down or never take place. In a commercial negotiation, if the sides fail to reach an agreement, the seller may offer the product to another buyer or hold on to it, while the buyer may find another seller, forego the purchase altogether, buy an alternative product, etc. In a civil dispute, both sides can take their case to court to have an impartial judge rule on it.

As a construct, BATNA is one of the most important developments in conflict resolution theory since the field of study emerged: first, it is a useful tool that provides an objective measure of what we should and should not expect from a negotiation; second, and more important in the context of the present discussion, it reveals the inherent limitation of negotiation, mediation, non-binding arbitration, and problem-solving. If A’s BATNA is more attractive than what B is able to offer, no amount of negotiation will help B get what she wants.

What this means for the resolution and prevention of international conflicts, particularly conflicts that involve the use of armed force, is that ADR-based approaches are limited in applicability to conflicts in which victory by military means is not probable for either party, or the cost of such a victory would be too high. This is recognized by conflict resolution theorists and practitioners: Groom, for example, writes, “[problem solving] offers an alternative when the parties realize that they are in that gnawing situation of not being able to win even though they cannot be defeated, or of not being able to quit even though it is costing them a great deal” (Thakur, 1988, p. 86).

Thus, ADR approaches are not well suited for asymmetrical conflicts in which one side considers an outright military victory a possibility or is willing to continue fighting to gain additional leverage (which is a rational approach within a system where military power is allowed to affect the outcome of negotiations that settle a dispute). To overcome this limitation and achieve symmetry in asymmetrical conflicts the international community sometimes
takes grotesque steps, such as imposing an arms embargo on the stronger side, while supplying arms to the weaker side. (Ethnic conflicts in the former Yugoslavia in the 1990s saw several applications of this tactic.) An entire sub-field of conflict studies is dedicated to the exploration of such concepts as “timing” (as in “timing the de-escalation of international conflicts”) and “ripeness” (as in “the conflict is ripe for resolution”) to help peace-makers capture just the right moment when the parties in conflict realize that the cost of not engaging in negotiation is too high and thus provide an opportunity for a negotiated or mediated solution to be worked out (see, for example, Kriesberg and Thornson, 1991). The progress made in understanding how the current system works and finding new ways to resolve conflicts without changing the system itself is impressive, but in the end, the concept of BATNA reminds us that there is only so much we can expect from alternative dispute resolution in the absence of an option to get a binding resolution by an impartial third party.

The second condition that limits ADR’s effectiveness and desirability in the international context, even when the sides are closely match militarily, is that conflicting parties must come to the table in good faith. To bear fruit, negotiation, mediation, problem solving and other cooperative approaches require, as a pre-condition, a working relationship. Coming to the table in good faith also means that the parties must acknowledge the legitimacy of the other side’s needs and interests and be prepared to compromise unless the conflict is of the non-zero-sum variety, in which case no compromise may be necessary. Neither condition can be taken for granted. If a conflict is marked by a history of violence, at least one of the parties is likely to consider the other illegitimate, evil, and dishonorable. (The Israeli-Palestinian conflict serves as a vivid contemporary example of this condition, although the two sides are not evenly matched in military terms. The conflict between India and Pakistan is another example in which a strained relationship between the parties prevents them from fully engaging in problem-solving and negotiation.)

Third, negotiation and other collaborative methods of conflict resolution award legitimacy to otherwise illegitimate uses of armed force. By negotiating with warlords who may have no legitimate claims and may bear direct responsibility for numerous atrocities we legitimize their illegitimate use of force. This provides reinforcement for illegitimate coercion and serves as an antecedent for future abuses.

Finally – and most importantly from the humanistic perspective – negotiation, mediation, arbitration, and problem-solving take time, which is not always available. Acts of genocide in Rwanda and, more recently, in Sudan took place in the span of weeks. In Rwanda, hundreds of thousands were killed within days. Clearly, negotiation or mediation are not the tools that can address such conflicts effectively.

Emphasis on Peace, Not Justice

As was noted above, one of the conditions that must exist for ADR to work within the parameters of the existing world order is the willingness of all parties involved in the conflict to acknowledge the legitimacy of the other side’s needs and interests and to be prepared to compromise, if necessary. Trying to
achieve this goal may be not only difficult, but also ethically problematic: many wars are unquestionably unjust, and by forcing A to negotiate with B even when B has no legitimate claim, international institutions undermine their own legitimacy and moral authority. The emphasis on peace – defined as the absence of visible armed conflict – even if it comes at the expense of justice is a fundamental flaw of both the current system of international law and international conflict resolution as a field of study. An unjust peace is viewed as preferable to a just war, and any settlement of an armed conflict is viewed as a positive development even when it does not bring a just outcome. By refusing to impose binding decisions if requested by one of the parties to an armed conflict and insisting, instead, on negotiations or mediation, international institutions do not take coercion out of the equation, but rather reinforce illegitimate coercion and lay the ground for future armed confrontations. Just as acquiescing to kidnappers’ demands encourages future kidnappings, rewarding aggressors by giving them a seat at the negotiation table encourages military conflicts by sending the message, “start a war and if you are strong enough you are likely to get at least something in exchange for peace.”

Conclusion: A Systemic Failure to Prevent Deadly Conflict

Viewed through the prism of performance management, deadly conflict is a logical result of a systemic flaw in the current world order, which fails to provide either states or sub-state actors with a reliable mechanism to voice concerns in a forum where they can expect a fair decision to be rendered and enforced, while the practice of international Alternative Dispute Resolution in its present form, in effect, reinforces the use of illegitimate coercion and thus encourages future armed conflict.

The field of conflict resolution has yet to acknowledge these systemic flaws. At present, it still largely attempts to address the problem of the illegitimate use of armed force without attempting to change the system that is at its source. Analyzed in the context of our discussion of coercion and punishment, contemporary conflict resolution theory can be said to have the following two limitations that render it ineffectual. First, the theory fails to recognize and acknowledge elements of illegitimate coercion in international negotiation and mediation. Second, it fails to incorporate legitimate coercion – an essential tool of preventing unwanted behavior – into its framework.

In the next chapter an attempt is made to address these shortcomings by examining the potential of legitimate systemic coercion in establishing a protocol capable of preventing deadly conflict.
CHAPTER NINE

LEGITIMATE COERCION AND THE PREVENTION OF DEADLY CONFLICT

Introduction

If the absence of legitimate coercion from the toolbox of international conflict resolution is a systemic flaw that makes the resolution and prevention of deadly conflicts more difficult, if not impossible, it stands to reason that correcting this flaw should improve the situation. However, the idea of relying on coercion as a means of addressing the problem of deadly conflict is not an easy sell. After all, has it not been tried – and failed? Are there any means that can reliably prevent deadly conflict, and if so, could coercion possibly be such a means? Finally, does not the idea of using or threatening deadly force to prevent deadly conflict seem oxymoronic? This chapter provides answers to these questions and offers suggestions for a preventive protocol incorporating legitimate coercion into its design.

Should We Try to Prevent All Deadly Conflict?

Before we turn to a discussion of the possible answers to the questions posed above, it should be acknowledged that as appealing as the ideal of conflict prevention may seem to some, it is not universally viewed as a realistic or even desirable goal. Part of the disagreement is caused by a lack of semantic clarity.\textsuperscript{30} However, even when we limit our discussion of conflict prevention to the

\textsuperscript{30} In chapter 4 we addressed the problem of applying the term \textit{conflict} to interactions as different as a disagreement over a place to choose for a family vacation and a deadly conflict between states. Obviously, the two are quite different in many important ways, and even if we decide in the end to include both in the family of conflicts, assumptions about one cannot be transferred to the other. While it is conceivable that working through differences in opinion and arriving to a mutually satisfying resolution of a conflict can strengthen a relationship, there is no justification for extending this assumption to armed conflict.
deadliest of conflicts, there is no universal consensus on whether conflict prevention is possible or, in some cases, even desirable.

One general objection to the idea of prevention is grounded in the realist tradition, which argues that waging war is part of human nature and there is nothing anyone can do about it, or, to use the more elegant language of the Athenian generals at the Melian Conference, “the strong do what they will and the weak suffer what they must” (Thucydides, Peloponnesian War, quoted in Barry, p. ix). The realist tradition also views decisive military victory as more likely to result in lasting peace than could be expected from a negotiated settlement. For example, Holsti (1988) suggests that a true resolution may be possible only from "conquest, successful deterrence, or exhaustion after a lengthy test of arms" (p. 113). Thus, if we set the resolution of conflicts as our final goal, do we not have to accept the inevitability of deadly conflicts?

Then there is the progressive view that some wars (such as wars of liberation from colonial rule) are undoubtedly just. Trying to prevent such wars would mean preserving status quo, and is it not true, after all, that some values are worth fighting for? I shall argue that both views contribute greatly to the debate about conflict prevention, but in the end, both schools of thought furnish reasons for, not against, the creation of a preventive protocol.

The most obvious and basic reason why we may want to prevent armed conflict – the loss of life that inevitably accompanies it – seems to have universal acceptance and thus hardly needs an extended discussion. It should be noted, though, that despite the immeasurable suffering brought by the loss of countless lives, armed conflict would have at least some justification if the outcome were determined (or, at least, influenced to some measurable extent) by who is “right,” if it could be expected to actually resolve the issue at hand and produce a fair and lasting peace. This is rarely the case. It is true that the use of deadly force can effectively end a conflict, at least for a while, by destroying the ability of one or both sides to engage their opponents militarily. However, the outcomes of armed conflicts have no intrinsic connection with justice – unless we define justice strictly in the tradition of social Darwinism – for it is the side with the superior military ability that wins the war, not the one with a more legitimate claim. The winners do usually try to create the appearance of legitimacy, and sometimes it is the true “villains” who are defeated. Yet, if there seems to be any correlation at all between justice and the outcomes of wars, it is either accidental or, more likely, because it is the victors who end up writing the history books and, inevitably, present themselves as the righteous side. The losers are vilified, or, if vilification is particularly unseemly, as is sometimes the case when younger generations come onto the stage, the defeated side’s plight is simply ignored or discounted as an unfortunate mistake that should be put to rest. By and large, at least as far as history books are concerned, might does equal right.

Of all the conceivable methods of conflict resolution, armed confrontation is least likely to produce just results. Flipping a coin to decide who should be awarded victory would be a better method than armed confrontation: that way, at least, the party with a legitimate claim would have a fifty percent chance of winning. This would be a great improvement over the current system, which virtually guarantees that the final ruling will be in favor of the side with the stronger military. This should make the use of military force to resolve disputes intolerable. When we say that armed conflict is unavoidable, and even somehow
justified as a means of resolving conflicts, we, as a human race, admit intellectual impotence. We are saying, in effect, “We give up. We cannot resolve this problem fairly and rationally; the only thing left to do is to try to kill each other.” In effect, this is the rationale for settling a dispute through a duel, which is a poor way to settle disputes not as much because one of the sides usually gets killed, but because the outcome obviously does not prove who was right or wrong. Most societies with somewhat developed legal systems had the sense to outlaw duels a long time ago. There is no justification for the continued tolerance of armed conflict either.

Can All Deadly Conflicts Be Prevented?

In the final analysis, even “realists” admit that the reality of international relations, particularly the unchecked use of deadly force, is quite unfortunate: there is and can be no moral justification for using force – it is “beyond morality” (Barry, 1998). Yet, humanity is yet to find and implement a workable solution to the persistent problem of military conflict. In chapter 2 we reviewed one approach that aims to offer an alternative, outlined in John Burton’s theory of conflict prevention. It is now time to revisit his ideas.

Burton’s Prevention Revisited: Limitations of the Needs-Based Approach

The approach focuses on unsatisfied human needs – the deep-seated causes of some of the most violent and protracted conflicts. Burton argues that the only way to end such conflicts is to address the root causes through problem-solving, not compromise-based solutions that do not provide full satisfaction of the basic human needs that led to the bloodshed in the first place. Much can be said in favor of this approach. However, Burton himself admits that the goal of fully satisfying the needs of all humanity is not realistic. The approach also has several other limitations, the most significant of which is its failure to account for conflicts that are not rooted in unsatisfied fundamental human needs. If, as was argued above, some wars are started because they provide a means to achieve goals not achievable through other mechanisms, the prevention approach is not likely to be effective.

Interestingly, in addition to addressing existing conflicts through problem-solving and averting future conflicts through systemic change that would allow for fundamental human needs to be satisfied, Burton also suggests a second approach to conflict prevention: creating conditions in which conflict cannot occur. Burton does not elaborate on this second option, which is unfortunate, for, I shall argue, it is the creation of conditions in which violent conflict cannot occur that has the greatest promise for establishing an effective preventive system capable of averting future wars. The analysis of coercion and punishment in chapters 5 through 7 and the examination of dominant approaches to conflict resolution through the prism of Performance Management in chapter 8 provide a theoretical foundation for creating such a preventive system.
Creating Conditions in Which Conflict Cannot Occur

Despite the limitations of his provention approach, Burton’s major premise – to wit, that some of the most protracted and violent conflicts can be traced to unsatisfied human needs – offers an important insight into the problem of violent conflict. However, it does not paint a complete picture of the causes of violent conflicts and the conditions that must exist for violence to erupt. Even a cursory survey of interstate and intrastate deadly conflicts suggests that unsatisfied fundamental human needs are neither a necessary, nor sufficient condition for violent conflict. Even when such unsatisfied needs can be identified, they do not always explain why the conflict turns deadly. The most recent example of large-scale atrocities in Sudan’s Darfur region illustrates this point. In this conflict, Janjaweed militias, comprised of members of nomadic Arab tribes and backed by the Sudanese government, have been displacing tens of thousands of members of non-Arab tribes described in western press as “mostly ethnic African Sudanese” farmers. It is possible to explain the origins of this conflict in terms of unsatisfied human needs (e.g. the Sahara desert overtaking grazing lands used by the Arab tribes). However, killing, mutilating, and raping tens of thousands of defenseless people and driving hundreds of thousands more out of their homes is not a response that is inevitable under any circumstances. The situational analysis approach offers great insight into the situational factors that may contribute to such seemingly inhuman acts. However, for all contributing factors that could be uncovered in the course of a needs-centered analysis, the only necessary condition that made this large-scale atrocity possible was the well-founded expectation on the part of Janjaweed militiamen that attacking their neighbors would yield desired results (new fertile land, large stocks of grain, herds of cattle, and other valuables, to name a few). This expectation served as an antecedent for the attacks. If the Sudanese government did not reinforce this expectation, and, instead, responded to the first attacks carried out by the Janjaweed by punishing them, the attacks would not continue. Similarly, if the Sudanese government had reason to believe that its support for the Janjaweed militias would result in punishment from the United Nations, it would not allow the militias to carry out their raids. In the event, the Sudanese government appears to not only tolerate the attacks, but also provide active military support to the attackers, while the “international community” has done little more than express concern and condemnation.

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32 See, for example, Zimbardo (2004).

33 As of September 2004, humanitarian NGOs estimates that some one million had fled their homes and up to 50,000 had been killed. On July 30, 2004, the Security Council passed a resolution giving Sudan 30 days to disarm the Janjaweed militia and bring perpetrators of human rights violations to justice. When the deadline passed with few changes on the ground, the Security Council failed to take further action. It is implied, though, that even if a humanitarian armed intervention is authorized, it will be aimed primarily at securing humanitarian aid and the agreement of the Sudanese government would be sought before any force is sent. (Reynolds, P. Sudan: Step by Step Pressure. BBC NEWS: http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/africa/3928093.stm. Published August 4, 2004 12:10:40 GMT.)
the Janjaweed, with the active support from the Sudanese government and in the absence of any negative consequences, serve as potent reinforcers, thus ensuring that the attacks will continue until the goals of the Janjaweed and/or Sudanese government are fully realized.

As tragic as this example is, it is far from unique. Furthermore, considered from the vantage point of performance management, this chain of events was entirely predictable. As was noted in the previous chapter, the use of armed force by states large and small, as well as by non-state actors, has been an effective and efficient means of achieving one’s goals both domestically and internationally, and it will continue as long as it brings about desired results. This last point is critical: when “realists” assert that waging war is part of human nature, they are neither entirely wrong, nor quite right. It is true that wars have, indeed, been waged almost non-stop for thousands of years – so much so, that they may even appear to be part of human nature. Violence can produce results that no amount of negotiation could achieve, and acknowledging this fact is important for dispelling the assumption that wars would disappear if only the peoples of the world “learned to communicate better.” Yet, the “realists” are wrong to imply that there is something unique about the use of violence that makes any attempt to prevent it futile. (By doing so, realists cross the line that separates dispassionate analysis of the current system from conservative advocacy of the status quo.) As pervasive as violent conflict may be, when viewed in the analytical framework of behavioral psychology, it is just another form of human behavior – nothing more, nothing less. What this means is that armed conflict will continue as long as it is reinforced, as one could expect in the case of any behavior; in the absence of reinforcement, it will stop over time (performance management refers to this process as “extinction”); and if followed by punishment (an undesirable consequence), it will stop relatively quickly.

This is not to say that armed force alone is capable of ending or preventing all violence. Burton may be wrong to imply that the satisfaction of fundamental human needs will end most, if not all conflicts, but he was undoubtedly on-point when he asserted that those conflicts that are rooted in unsatisfied human needs are not likely to be quelled by brute force. Those conflicts where the battle cry of one of the sides is “give me liberty or give me death” – or some variation thereof suggesting the presence of unsatisfied fundamental human needs – will continue as long as the needs remain unsatisfied, no non-violent alternative to getting a fair resolution is available, and the oppressed side has the capacity to continue resistance – even if the odds are stacked heavily against it. Thus, we can expect that attacks against the American troops stationed in Iraq will continue until the troops are withdrawn, as will the attacks by Palestinians in the occupied territories against Israeli troops and civilians as long as Palestinians’ quest for statehood is unfulfilled, to use just two high-profile contemporary examples. However, this does not describe the position of all non-state actors that initiate armed conflict, and it rarely applies to state actors that initiate military action against other states or non-state actors. One can imagine a young Palestinian, born and raised in a refugee camp under Israeli occupation, detonating a bomb in a suicide attack, motivated by some approximation of “give me liberty or give me death,” but one is yet to hear of a professional soldier participating in what he knows to be a suicide mission while crying out “give me your oilfields or give me death,” or even “give some other
people (e.g. Iraqis under Saddam Hussein) liberty or give me death.” Similarly, 
wars of liberation from colonial rule have been waged even when their chances 
of success seemed rather dubious. Contrast this with the so-called Powell 
doctrine, adopted by the U.S. military as a guide for oversees operations, which 
directs decision makers to authorize operations only when the U.S. forces have 
an overwhelming advantage over their adversaries. This is to say that not all 
conflicts are caused by unfulfilled fundamental human needs and that humans 
resort to violence not only when it is the only available means of ensuring their 
survival as individuals or as a group, but also when they simply believe that 
armed force will bring about desired results. Creating a system in which violence 
becomes unacceptable not only in words, but also in deed will dramatically 
reduce, if not eliminate completely, the incidence of violent conflicts.

Making violence unacceptable cannot mean merely incorporating such a 
principle into the UN Charter or passing resolutions: those steps have been taken 
already, to little effect. (That the effect would be marginal was to be expected: 
Over-reliance on antecedents – in this case, prohibitions against the use of 
illegitimate coercion – is a classic Performance Management mistake. In the 
absence of consequences to “back up” an antecedent, the latter loses credibility 
in short order.) Rather, this means creating conditions in which military 
aggression does not receive reinforcement, but, instead, is followed by 
punishment that makes using military aggression futile.

**Viewing the Use of Punishment in International Relations Through the Lens 
of Performance Management**

I shall argue that the condition that punishment be incorporated into the 
repertoire of available consequences is essential for the success of any preventive 
protocol, since punishment is indispensable when the objective is to stop 
undesirable behavior and prevent future instances of that behavior. In the 
absence of punishment, the promise of the benefits of using armed force to reach 
objectives that may be unreachable by any other means (supported by ample 
examples of past success stories) will serve as an antecedent that will lead to 
future aggression.

One possible objection to this line of reasoning, at least when it is applied 
to the problem of deadly conflicts, is that coercion – the term is often used in 
place of punishment when punishment means armed force – has been tried before 
to avert violent conflicts and that it simply does not work. (This is a major 
premise underlining Burton’s analysis of conflict.) In reality, coercion has never 
been used as a conflict prevention tool at the international level in a way that 
could be expected to produce reliable and consistent results.

According to B.F. Skinner and the Performance Management approach to 
behavior, to be effective, consequences need to be immediate and certain. If there 
is a delay between a behavior and a consequence, it will make the consequence 
less effective: the longer the delay, the less effective the consequence. Similarly, 
consequences that follow a behavior with absolute certainty are most effective; as 
the degree of certainty decreases, so does the consequence’s efficacy. For 
example, any state launching a conventional military attack against a superior 
military power, such as the United States, can expect to receive severe
punishment that will be immediate and certain. The punishment would be as predictable as receiving an electrical shock the instant one touches exposed electrical wires, which explains why no state has launched a conventional or nuclear attack against the US since World War II, when the US’s superiority was tentative at best. When attacks against the US do take place, they tend to be both unconventional (such as the attacks by Al Qaida using highjacked airplanes on September 11, 2001) and carried out by non-state actors that make it difficult to locate the perpetrators of the attack or even determine who exactly should be punished. The inadequacy of this preventive protocol vis-à-vis unconventional attacks notwithstanding, it can be seen as an example of a fairly successful use of systemic coercion.

In contrast to the effective use of systemic coercion as a prevention tool by a few individual states with strong militaries or solid ties to other states with strong militaries, the international system as a whole is characterized by an absence of provisions for immediate and certain punishment under any circumstances, even in response to the most egregious violations of international law. In fact, there is an explicit expectation that military force – the most effective means of ending a confrontation immediately – will be used only as a last resort, after all “peaceful” means have failed. Thus, within the UN system, punishment is never immediate and rarely certain. From the performance management perspective, such a system could never be expected to be effective in preventing deadly conflict.

As a result of this systemic flaw, wars are waged with impunity not only by major powers, but also by minor states. If a conflict is waged in Africa, in particular, the loss of human life has to reach truly staggering proportions to result in a forceful response from without.

We can conclude, then, that while individual states have been using illegitimate coercion against each other for thousands of years, in addition to relying on systemic threat of coercion to protect themselves from attacks from other states, the United Nations has not even attempted to use coercion systematically to prevent states from using military force against each other and against their own populations, nor could it, really. Presently, the United Nations has neither a clear mandate to use punishment against violators of international and humanitarian laws in ways that may be expected to produce desired results, nor a means to use such power.

This is unfortunate not only because the human cost of inaction and delusion is so high, but also because it is at the international level where the preventive potential of legitimate coercion can be realized most fully. One argument against relying on systemic coercion to prevent deadly conflict is that even in countries with an established rule of law and well-staffed and equipped police forces violent crime still persists. Again, the United States is a prime example: with only six percent of the world’s population, it houses over twenty percent of the world’s prisoners, and still has the rate of violent crime several times as high as in other developed countries. Does not this mean that coercion does not work and that non-violent means are more effective in preventing violence? As much insight as we may gain from the comparative analysis of criminal justice and socio-political systems, the analogy between criminal behaviors of individuals and states is not perfect. Despite dramatic advances in forensic science in the past hundred years, most crimes committed by
individuals still remain unsolved, which means that in any imaginable criminal justice system punishment is rarely immediate or certain, whereas the benefits are realized more or less instantly, if not always certainly. In those environments where punishment can be expected to be immediate and certain, however, little (if any) crime exists. For example, while armed bank robberies are not uncommon in the United States (mostly where the banks do not have armed guards), few attempt to storm Fort Knox, even though the latter contains a much bigger bounty than most other depositories of valuables. The reason is obvious: to stage an armed robbery of Fort Knox would result in immediate and certain punishment, since Fort Knox is heavily guarded, and when punishment is perceived as immediate and certain, the behavior associated with the punishment is exceedingly rare.

In contrast to the relative ease with which individuals breaking the law can remain anonymous and thus escape capture and subsequent punishment, breaking international law anonymously is hardly possible for a state. Thus, while some level of crime will probably always exist at the level of individuals and even organized criminal groups because punishment will never be seen as certain and immediate at that level, it is theoretically possible, given the will on the part of the international community, to ensure that no state attacks another without a clear mandate from the United Nations or commits large-scale atrocities against its own population under any circumstances.

Creating a Preventive Protocol

Providing a detailed blueprint for an international system capable of preventing deadly conflict is clearly outside the scope of this dissertation. However, the analysis of the uses of punishment and the limitations of ADR outlined in chapter 8 suggest several key requirements for such a system.

A True Alternative to Armed Conflict

First, a workable conflict prevention protocol must include a dispute resolution mechanism that would provide a true alternative to armed conflict. Such an alternative may include provisions for negotiation, mediation, problem-solving, and other ADR methods, but it must also include the option of binding adjudication by an independent third party.

Obviously, this requirement calls for a major systemic change, and, as is the case with any systemic change, it has many obstacles. The idea of a world government, or, at a minimum, a world court with the legitimate coercive power to enforce its decisions is certainly not new, and neither are the arguments against this idea. In the end, the main opposition comes from the states that are presently in a position to “do as they will,” while the weak – the rest of the world – “suffer what they must” in relative silence. This opposition is not unexpected: the creation of a world court empowered to make binding decisions would strip the superpowers of their privileged status, and how often does one see the strong willingly give up their privileges? The idea is not without precedent,
though. The World Trade Organization may serve as a model of an international adjudication body whose decisions are binding and accepted as such by member states, including states with greater than average economic and military power, such as the United States.

In the absence of such a body, the limitations of Alternative Dispute Resolution (ADR) discussed in chapter 8 render negotiation, mediation, and other methods of ADR hopelessly defective. Contrary to a popular perception, ADR is not an inherently moral or fair means of resolving conflicts. If it is an alternative to a fundamentally fair process, such as a judicial process available to citizens of states with well-developed legal systems, ADR is likely to be a moral and just mechanism. (Through ADR, parties can try to achieve a solution that would be even more palatable than a decision rendered by an impartial and fair judge. If they fail to reach a mutually satisfying agreement, they are not obligated to accept a settlement that is less fair than what they can expect from an impartial judge.) However, if ADR is an alternative to brute force (that leads to outcomes with no connection to justice), not to an impartial judge, ADR itself becomes an inherently unjust instrument that favors the strong at the expense of the weak. Promoting ADR as the ideal means of dispute resolution under such conditions becomes morally unjustified: at best, it can be viewed as the lesser of two evils.

Preventing armed struggle in the absence of a viable adjudication alternative may also be morally wrong if it means preserving a status quo that is unjust. The wars of liberation from colonial rule, for example, have been undoubtedly violent; they also were, in a way, a gamble. However, in the absence of a world court, they were preferable to maintaining “peace without justice.”

Immediate and Certain Punishment

Even when a reliable system of addressing grievances becomes available, states with strong militaries may choose to use illegal coercion, including armed force, if this option is viable, i.e. if the use of illegitimate armed force allows the perpetrators to achieve their goals. Therefore, the second requirement for a workable preventive protocol is that armed aggression against other states or populations of one’s own state must be followed by punishment that would outweigh any possible gains that could be gained by illegitimate coercion. Performance Management suggests two key conditions required for the effective use of punishment that are clearly lacking in the current international order: punishment has to be relatively immediate and it has to be certain. The more credible the threat of punishment, the less likely that it will have to be carried out. Conversely, when there is no firm commitment to using punishment in response to a certain behavior, the actual punishment (as opposed to a mere threat) has to be relied on more often. When the threat of the use of force contained in a law is perfectly credible (i.e. the negative consequences of violating the law are immediate and certain), the threat does not even have to be articulated. The existence of the law and the knowledge that the law will be enforced will act as sufficient deterrents.

There are several structural obstacles that make the ideal of immediate and certain punishment unachievable without changes in the design of
international organizations charged with the preservation of world peace. For example, the current UN system requires a unanimous vote by the Security Council to initiate a UN military action. The decision-making process is anything but standardized. Instead, the *ad hoc* approach is employed: each case is considered individually, and factors that have little to do with international law or the severity of the humanitarian crisis on hand often play a major role in determining the outcome. (For example, in the case of the unfolding catastrophe in the Darfur region in Sudan, the remoteness of the region has been cited as a factor that may make Western governments reluctant to react in Darfur as they did in 1999 in Kosovo, “which sat conveniently not far from Nato air bases in Italy.”) This makes the process fundamentally flawed in two ways.

First, punishment is rarely immediate: it takes months, if not years, to mobilize an effective response. Even from the purely technical standpoint this is a liability: the less immediate the punishment is, the less effective it is likely to be. However, it is the human cost of delaying a forceful response that is most compelling: it can take remarkably little time – sometimes just days – to kill or maim tens of thousands of people; under such circumstances, an immediate response becomes morally imperative.

Second, punishment for violating international and humanitarian law is painfully uncertain. It only takes one permanent member of the Council with economic or political interest in the country targeted by the UN to veto the decision, and the process stops right there. If punishment is uncertain, it will not be an effective deterrent against illegitimate coercion. The invasion of Kuwait by Iraqi troops in 1990 may be one of the most glaring examples of this principle. (According to several accounts of the events leading to the war, Iraqi leaders decided to invade Kuwait being fairly certain that they had a “green light” from the United States. The US Ambassador April Glaspie allegedly told Saddam Hussein:

> I have lived here for years. I admire your extraordinary efforts to rebuild your country. I know you need funds. We understand that and our opinion is that you should have the opportunity to rebuild your country. But we have no opinion on the Arab-Arab conflicts, like your border disagreements with Kuwait” (Barry, p. 48).

Regardless of the fidelity of this account, there is little doubt that if Iraqi leaders had reason to believe that invading Kuwait would result in certain and immediate punishment, the invasion would have never taken place. The same can be said about most other armed conflicts.

We can conclude, then, that the existing system is clearly unfit to provide for immediate and certain punishment. There must be specific and strict guidelines informing decisions of independent judges not influenced by the domestic politics and self-serving interests of their countries of origin. Just as a person who is being assaulted in broad daylight in front of a police station should be able to count on immediate response from the police officers, any state, or segment of population within a state, should be able to depend on

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protection by the international community irrespective of their geopolitical
significance, the electoral cycle in a country with a veto power on the Security
Council, or any other factors that should be totally irrelevant. We would be
appalled to learn that a police officer considers the wealth or political
connections of a suspect before deciding whether to arrest him, or whether it is
worth the trouble to drive across town to respond to an emergency call; there is
no reason why similar considerations should be acceptable when life and death
decisions affecting thousands of people are at stake.

In addition to immediacy and certainty, it is also worth noting what may
seem the most obvious, and yet in reality the most often overlooked requirement
for the effective use of punishment, to wit, that it must truly be a punishment.
More often than not, pressures employed against violators of international and
humanitarian law are mostly symbolic: reprimands, admonishments, and even
economic sanctions are rarely effective in stopping military aggression, which
makes them, by definition, something less than punishment. (In Performance
Management, punishment is defined by its effects: if a behavior continues
despite a consequence thought to be a punishment, the consequence is not, in
fact, a punishment.) The fact that even relatively weak punitive measures, such
as economic sanctions, are never certain and rarely, if ever, immediate makes
them even less effective as a consequence and as an antecedent capable of
averting future violations. Thus, an effective preventive protocol must include
provisions for immediate and certain punishment for violations of established
norms, and the arsenal of punishment options must include military force.

Legitimacy

In chapter 7 we established that legitimacy is a key factor that defines
coercion in the ordinary language framework. It turns out that humans really do
not mind legitimate coercion (i.e. threats or even applications of punishment
they consider legitimate) nearly as much as the wrongfulness of punishment
they view as illegitimate. Legitimate systemic threats of punishment may not
even be defined as coercive – in fact, they may not be recognized as threats.
Perhaps most remarkably, legitimate coercion may not even be associated by
receivers with violations of freedom! On the other hand, threats and applications
of punishment viewed as illegitimate bring out resistance and resentment. When
employed by a state, they also cast a shadow of illegitimacy on the entire regime.
What this means for the idea of a preventive system capable of averting deadly
conflict is that punishment employed within such a system must be viewed as
legitimate – a condition clearly absent at present. Again, the same systemic
problems that currently make the goals of certainty and immediacy in the
administration of punishment unachievable are largely responsible for the deficit
of the legitimacy of forceful measures even when they are taken by the United
Nations.

As was argued in chapter 7, what constitutes legitimacy is an open
question. One factor that determines whether an act is viewed as coercive is the
type of interaction under examination and the corresponding level of analysis –
an important consideration, since most examples used in the analysis of coercion
in chapters 5-7 of this dissertation focused on interactions between individuals.
Indeed, what is considered illegitimate in interactions between individuals or between a state and its citizens may still be considered perfectly acceptable in interactions between states, although there seems to be a tendency towards convergence in defining what uses of threats and applications of punishment are legitimate at the various levels of interaction and analysis. For example, until recently (as late as the XX century), waging war was viewed as a natural right of a sovereign state (historically represented by a sovereign, such as a king, emperor, or tsar). As long as there was no peace/friendship treaty between the states, it was sufficient to formally “declare” the start of armed hostilities and then follow certain “rules of war” to make the armed conflict legitimate. Today, this view seems outdated and the criteria for using armed force listed in the United Nations Charter are not dissimilar from the guidelines for using deadly force issued to individuals, such as those licensed to carry firearms in the United States. In both cases, legitimate uses of deadly force are limited primarily to self-defense in the event of an attack that puts one’s life in danger or violates one’s “territorial integrity” (see the “castle doctrine” in the US jurisprudence that allows the use of deadly force for the protection of one’s home from an intruder) and the defense of others subjected to such an attack.

Intrastate conflicts represent another level of interaction where the issue of legitimacy is still unresolved. Until recently, the supreme value placed on state sovereignty meant that governments had a free reign within their own borders. However, in recent years a consensus has been growing around certain exceptions from the rule, as in cases of humanitarian emergencies where governments are either unwilling or unable to prevent large-scale violations of human right, such as genocide. Still, we can expect to find significant differences between conceptualizations of legitimacy at different levels of interaction as long as the system of international relations is structurally different from the system found at the state level. (One major difference lies in the absence of an international court with enforcement powers, which means that unlike individuals in all but the most lawless states, state actors, ultimately, have to rely on themselves to protect and advance their interests.)

It was argued in chapter 7 that although the difficulty of defining legitimacy is quite real, in the end it is more important to know whether a particular threat or application of punishment is viewed by the receiver and third parties as legitimate or illegitimate than why they hold the particular view. One general requirement for legitimate coercion at any level of interaction is that the body deciding on the use of punishment, especially when it involves the use of armed force, be perceived as impartial and fair. At present, no organization, including the United Nations, comes close to meeting this criterion. In the previous section it was noted that even in cases of the most gruesome violations of international and humanitarian laws punishment is never immediate and rarely certain, unless the attacked party has the ability to defend itself effectively. One could argue that in reality the situation is even worse: countries with strong militaries and/or with ties to one of the members of the Security Council can be certain that nothing they do will bring punishment from the outside. Failure of the United Nations to even pass a resolution condemning the attack on Iraq launched by the US and Britain in 2003 – clearly in violation of the UN Charter – is a damning example of this systemic weakness. As long as different states are treated differently, no attempt by the United Nations, or any other international
International conflict resolution literature often has a rather upbeat outlook on the prospects of humanity solving the problem of deadly conflict. Breaking with this tradition, nothing said in this chapter is meant to suggest that the creation of an effective preventive protocol is around the corner, or, for that matter, that there is any historical inevitability that such a protocol would be ever created. Rather, the argument is this:

1. an effective preventive protocol is possible;
2. creating such a protocol would require several significant changes in the current world order.

The main change would be the creation of an independent adjudication body with the power to see its decisions enforced worldwide in order to provide a mechanism for getting disputes resolved fairly and without the use of illegitimate coercion. To be effective, this new body must have access to armed force and must be able and willing to use it immediately and with great consistency against any and all violators of international and humanitarian laws. All of these conditions are interrelated and all are equally necessary for a preventive protocol to be effective. Until all of these conditions are in place, the ideal of a world free from illegitimate coercion, including deadly conflict as its ultimate manifestation, will remain a noble but unachievable dream.

There are reasons to be optimistic, however. In the past few years, prevention of deadly conflict has emerged as an identifiable sub-category of conflict studies. Michael Lund’s *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy*, first published in 1996, and *Preventing Deadly Conflict*, a report by the Carnegie Commission on Preventing Deadly Conflict published in 1997 are two comprehensive examples of today’s trends in thinking on the subject; both studies offer detailed suggestions for possible preventive protocols. Some suggestions signal a break with the traditional (and utterly counterproductive) thinking on such controversial topics as the use of force by international organizations. The Carnegie Commission, for example, boldly challenges the “realist” assumption that violent conflict is inevitable and asserts that violent conflict always results from the choice of leaders and people “and is facilitated through the institutions that bind them” (p. 25). The Commission also recommends that the threat or use of force “should not be regarded as a last resort in desperate circumstances” (p. 62) – an important departure from the tradition. Most of the suggestions, however, are designed to improve the existing system without changing it radically and stop short of the second-order changes required to address systemic flaws. This approach is not totally without merit: regional organizations, NGOs, individual governments, and, of course, the United Nations have played a role in conflict resolution and prevention, and if they can be made more effective in this role, it is certainly worth the effort in the
short term. On the downside, the assumption that the current system is to
remain fundamentally unchanged, implicit in most literature on conflict
prevention, distracts our attention from the systemic conditions which make
deadly conflict not only possible, but also inevitable, and from the changes that
must take place to remove those conditions.
CHAPTER TEN

CONCLUSIONS, LIMITATIONS, AND SUGGESTIONS FOR FUTURE RESEARCH

Introduction

The purpose of this dissertation was three-fold. The first and main objective was to examine and define the relationship between communication and coercion. Building on the analysis of coercion as a communication concept, the second and third objectives were to uncover how existing conceptualizations of coercion shape both the discourse on international conflict and practical approaches to its resolution, and to examine the implications of the revised conceptualization of coercion for the theory and practice of conflict prevention. Three research questions were asked at the outset of the study:

1. What is the nature of the relationship between coercion and communication?
2. How do the existing conceptualizations of coercion affect contemporary theoretical and practical approaches to conflict resolution?
3. What are the implications of reframing the notion of coercion for the theory and practice of conflict prevention?

This final chapter provides a summary of major findings of this dissertation that answer these three questions; it also offers a discussion on the dissertation’s limitations and implications for future research.

Two Meanings and Two Types of Coercion

One key finding of this dissertation is that coercion is not a single conceptual entity. Rather, the term has at least two distinct dominant meanings, which were coded as moralized and sociological. The failure to separate the two dominant meanings of coercion often leads to pseudo-paradoxes.
In the sociological discourse framework, coercion is a communication process whereby the sender uses or threatens to use punishment to compel the receiver to perform a certain behavior.

In the moralized discourse framework, coercion is a communication process whereby the sender illegitimately uses or threatens to use punishment to compel the receiver to perform a certain behavior.

The following are characteristics of coercion in both frameworks:
1. The threat or use of punishment for non-compliance with a demand;
2. The sender is the source of punishment;
3. A benefit from compliance (may also be present in non-coercive interactions; it is not, therefore, a necessary condition);
4. Overtness (the receiver must be aware that the sender is responsible for his predicament or that the sender will cause punishment in the case of non-compliance).

Taken together, the threat/use of punishment, source of punishment, and overtness factors are both necessary and sufficient to establish coercion within the sociological discourse framework, yet they are not sufficient to identify a situation as coercive in ordinary language (i.e., in the moralized discourse framework). Legitimacy is the factor that separates sociological and moralized meanings of coercion. (To be classified as coercive in the moralized sense of the term, the use/threat of punishment needs to be perceived as illegitimate, in addition to meeting the other three necessary tests – the threat/use of punishment, source of punishment, and overtness.)

The considerable overlap between the two meanings of the term “coercion” makes them unsuitable for the role of coercion types (all instances of moralized coercion are also examples of sociological coercion, although not all interactions characterized as coercive in the sociological sense are coercive in the moralized sense). Therefore, two mutually exclusive types of coercion were suggested: legitimate coercion and illegitimate coercion. Instances of both legitimate and illegitimate types of coercion can be said to be “coercive” in the sociological meaning of the term, but only instances of the second type (i.e., illegitimate coercion) can be called coercive in the moralized sense.

Relationship Between Coercion and Communication

Both meanings of the term unequivocally position coercion as a mode of communication. Of the two vehicles through which coercion is manifested – the use of punishment and a threat of punishment – the latter is the more obvious member of the communication family. However, many, if not most, uses of punishment, including armed force, have a communication function as their raison d’etre, and, therefore, should be considered bona fide communication phenomena.

Of all the traditional types of communication that could be contrasted with coercion, persuasion is its closest relation. Both persuasion and coercion (in both moralized and sociological meanings of the term) are modes of communication, i.e., processes of transmitting messages through the use of symbols; both are
used to influence choice; both can appeal to reason or employ devices that are bypass the “rationality screen” of the receiver; both can invoke negative consequences in the event of non-compliance in contexts characterized by restricted freedom of choice. Contrary to common belief, the freedom of choice, voluntariness, use of rational reasoning, and, perhaps, most importantly, use/threat of punishment do not separate persuasion from coercion. While the use or threat of use of punishment is central to the concept of coercion (both sociological and moralized), it is not exclusive to coercion, for punishment is often invoked in “non-coercive” persuasive messages. The source of punishment is the factor that distinguishes sociological coercion from non-coercive persuasion relying on the prospect of punishment for its effectiveness, while the legitimacy factor (specifically, the illegitimacy of the demand expressed by the sender) defines coercion within moralized (ordinary language) discourse framework. This has two implications for the notion of freedom of choice in communication/persuasion theory.

First, freedom of choice plays a less important role in shaping responses to communication messages than traditionally thought. Although restricted freedom of choice is, indeed, characteristic of all coercive interactions, it is not absolute; nor is this phenomenon exclusive to coercion.

Second, freedom of choice assumed to exist in persuasive interactions is often illusory. Many non-coercive persuasive interactions are characterized by appeals to behavioral options available to the receiver that are as limited as in the case of sociological or moralized coercion. The important question, it seems, is not “Is the receiver free to respond to a message in any way she chooses despite the threat of punishment?” but rather “Does the receiver think that the sender has the right to threaten punishment in the case of non-compliance with the demand?”

Neither freedom of choice available to the receiver, nor the receiver’s use of rational reasoning in the course of choosing a response to the sender’s request, is a useful measure of the (im)morality inherent in a persuasive message – regardless of whether it contains elements of coercion.

**Coercion and Conflict Resolution**

It is impossible to establish definitively if existing conceptualizations of coercion directly affect contemporary theoretical and practical approaches to conflict resolution. However, given the lack of precision in defining coercion and the consistent failure to distinguish between the moralized and sociological meanings of coercion in academic literature (as well as in other contexts where the term is used), it seems reasonable to expect that erroneous assumptions about illegitimate coercion and the negative connotation attached to this construct will affect how legitimate coercion is viewed in communication and conflict resolution theories. The hypothesis that the lack of precision in defining coercion may affect the way legitimate uses of punishment are viewed in conflict resolution theory and practice led to an examination of the concept of punishment and the role punishment plays in shaping human behavior. This
examination revealed that (a) some of the most common uses of punishment in conflict resolution are not recognized as such, and (b) punishment is not seen as an acceptable tool of conflict resolution and prevention, which corresponds to the practice of international conflict resolution: while illegitimate coercion is very much a part of the international landscape, the existing order has no provision for the systemic use of legitimate punishment. It was argued that the failure to acknowledge the role of punishment in determining human behavior at all social levels and to include punishment in the toolbox of conflict resolution is at the root of the failure of this field of study to offer effective strategies for preventing violent international conflicts.

Viewed through the prism of performance management, deadly conflict is a logical result of a systemic flaw in the current world order (including certain elements of the international legal system), which does not provide either states or sub-state actors with a reliable mechanism to voice concerns in a forum where they can expect a fair decision to be rendered and enforced, while the practice of international conflict resolution in its present form, in effect, reinforces the use of illegitimate coercion and thus encourages future armed conflict.

Contrary to a popular perception, Alternative Dispute Resolution approaches, such as negotiation, mediation, and non-binding arbitration, are not an inherently moral or fair means of resolving conflicts. If ADR is an alternative to a fundamentally fair process, such as a judicial process available to citizens of states with well-developed legal systems, ADR is likely to be a moral and just mechanism. However, if ADR is an alternative to brute force, not to an impartial judge, ADR itself becomes an inherently unjust instrument that favors the strong at the expense of the weak. Promoting ADR as the ideal means of dispute resolution under such conditions becomes morally unjustified: at best, it can be viewed as the lesser of two evils.

The Place of Legitimate Coercion in Conflict Prevention

The field of conflict resolution has yet to acknowledge the systemic flaws that make existing approaches to conflict resolution ineffectual. At present, the field still largely attempts to address the problem of the illegitimate use of armed force without attempting to change the system that is at its source. In regards to the possibility of preventing deadly conflict, the dissertation had the following findings:

1. It is theoretically possible to create a workable preventive protocol that will eliminate, or, at the very least, significantly reduce the incidence of deadly conflict. Such a protocol will have to rely on legitimate coercion, among other tools.

2. Legitimate coercion has never been used as a conflict prevention tool at the international level in a way that could be expected to produce reliable and consistent results.

3. To be successful, the prevention of deadly conflicts will require changes in the systems of international law and international organizations charged with
the preservation of world peace. Among the elements of a workable preventive protocol are the following:

a) An institutional alternative to armed conflict – an independent adjudication body able and willing to enforce its decisions;

b) Provisions and mechanisms for immediate and certain punishment in all instances of violations of prohibitions against the use of illegitimate coercion;

c) Legitimacy grounded in full acceptance of such principles as the supremacy of international law, impartiality, independence from political influence by individual states, and equal treatment of all states.

Each of the three conditions is necessary for a preventive protocol to be successful. They are also interrelated. Without one of the three conditions being present, the protocol will become ineffective.

**Limitations and Suggestions for Future Research**

The Examination of the notions of coercion, conflict, punishment, and communication – both individually and in relationship to each other - necessitated that a fairly wide conceptual “territory” be covered, with insights from communication, sociology, philosophy, jurisprudence, behavioral and social psychology, and conflict resolution theory being brought together. In the end, this allowed for what I hope to be a nuanced and comprehensive examination of the concept of coercion as a mode of communication.

The new conceptualization of coercion as a mode of communication offered in this dissertation has the potential to make an entire category of human interaction, currently excluded from study within the communication discipline, a subject of communication research. This includes the analysis of communication functions, dynamics, and patterns of not only threats, but also the uses of armed force. The findings related to coercion as a communication concept, particularly the findings related to both the centrality and relativity of legitimacy, also have the potential to contribute to the debate on the rhetoric of terror.

The analysis of the uses and definitions of the term coercion can be further enhanced through a linguistic approach. In particular, semantic theory, developed by Trubetskoy and Jakobson among others, could provide a useful framework for the discussion of the various meanings of the term. The finding that freedom of choice plays a much smaller role in shaping responses to persuasive messages challenges established views on the nature of persuasion and the moral standards applicable to persuasive communication; this subject, too, deserves further exploration.

While the analysis of the concept of coercion was fairly in-depth, the discussion of that analysis’ implications for conflict resolution and prevention theory and practice was less comprehensive. This subject, too, deserves further study. In particular, Performance Management provides a useful and novel framework for assessing both existing and future approaches to conflict resolution and prevention. This dissertation offered a glimpse of the possible
applications of Applied Behavioral Analysis in this regard, but there is plenty of room for more detailed analyses that will contribute to a blueprint of a workable preventive protocol much more detailed than the one offered in this dissertation. This task would require a detailed critical examination of the current organizational structures of the UN and other international agencies, the “best practices” suggested by the experience of international organizations that have proven their effectiveness in resolving disputes (World Trade Organization may be one example of such a structure), and the international laws that shape the structures of international organizations as well as conflict resolution practices.
SELECTED BIBLIOGRAPHY


Maxim Fetissenko was born and raised in what is now the Russian Federation. He attended Nakhimov Naval School in Leningrad (now St. Petersburg) and Leningrad (St. Petersburg) State University, where he completed a course of study in Philosophy and Political Science. Upon graduation from Leningrad State University, Maxim studied speech communication under Professor Marilyn Young at the Department of Communication, College of Communication at the Florida State University, where he received a master’s and doctorate degrees. While at the Florida State University, Maxim taught classes in the Russian language and communication. He currently resides in Providence, Rhode Island, where he is Associate Director of the Rhode Island Service Alliance, a state commission for national and community service.