In April of 2004, about a year after the start of the Iraq War, a story broke in the American media about the abuse of Iraqi detainees by American soldiers at the Abu Ghraib prison outside Baghdad. From the beginning, editorialists and science writers noted affinities between what happened at Abu Ghraib and Philip Zimbardo’s famous 1971 Stanford Prison Experiment. Zimbardo’s experiment is part of a body of data composing the “situationist” research project in social psychology, which calls into question common assumptions about the relation between personality and behavior. In particular, situationism claims that the contexts in which agents act have a larger influence on behavior, and that personality traits have a smaller influence, than is ordinarily supposed. Recently, there has been increased interest among philosophers in research like Zimbardo’s and its potential for influencing ethical theories. This increase is due in part to the 2002 publication of John Doris’ Lack of Character, which contains important discussions of the philosophical implications of situationism. More recently, Doris and Dominic Murphy have argued that soldiers, including those at Abu Ghraib, often act under conditions of moral excuse because the situational pressures to which they are exposed impair their capacities for moral judgment.
I argue that soldiers can be morally responsible for wartime behavior *even if* their moral capacities have been substantially impaired.

1. Situationist Experimental Data

   We often assume that isolated actions tell us something general about an actor’s personality and that this general information is useful in predicting the actor’s future behavior. Such assumptions may sometimes be justified, but evidence from social psychology suggests that “naive psychologists” are prone to what Lee Ross calls the “Fundamental Attribution Error”: we tend to “underestimate the impact of situational factors and to overestimate the role of dispositional factors in controlling behavior.”³ The case for this claim is made in part by experiments that demonstrate the unexpected power of situational factors to shape behavior.

   Consider Stanley Milgram’s famous experiments on “destructive obedience” in which a naive subject believed himself to be the “teacher” in a study on the effect of punishment on learning. In these experiments, the teacher was assigned the task of delivering increasingly powerful shocks to a “learner” in the course of a memory test. The learner was a confederate of the experimenters and received no shocks, but he did respond as if he were being shocked. In the initial experimental setup, the learner pounded on the wall separating him from the teacher.⁴ In later versions, the teacher hears the learner’s recorded demands to be released.⁵ Despite these protests, most teachers obeyed orders to continue delivering more powerful shocks. But the teachers did not proceed without anxiety: “Subjects were observed to sweat, tremble, stutter, bite their lips, groan, and dig their fingernails into their flesh”; Milgram took these responses to indicate that subjects
were “acting against their own values. Subjects often expressed deep disapproval of shocking a man in the face of his objections . . . . Yet the majority complied with the experimental commands.” Perhaps most interesting is that these results were obtained with the application of relatively mild pressure. If a teacher indicated his unwillingness to proceed, he was met with scripted verbal prods such as, “The experiment requires that you continue” and “You have no other choice, you must go on.” This was sufficient to encourage normal people, of presumably average moral fiber, to deliver apparently painful shocks to an innocent person.

In the Stanford Prison Experiment mentioned above, Philip Zimbardo and colleagues designed a “functional simulation of a prison” and tested its effects on subjects who role-played as prisoners and guards. The researchers emphasize that their “study minimized the utility of trait or prior social history explanations” of the subjects’ behavior: “Through case histories, personal interviews and a battery of personality tests, the subjects chosen to participate manifested no apparent abnormalities, anti-social tendencies or social backgrounds which were other than exemplary.” Still, Zimbardo and his collaborators felt the need to end their two-week experiment after only six days. Even prior to the sixth day, four of the original ten prisoners were released due to reactions including “extreme emotional depression” and “acute anxiety”; a fifth prisoner was released when he developed a “psychosomatic rash” over portions of his body. Of the guards, the authors remark on the rapidity with which “normal, healthy American college students fractionate[d] into a group of prison guards who seemed to derive pleasure from insulting, threatening, humiliating and dehumanizing their peers”; given the initial screening of subjects, the authors conclude that the “anti-social reactions observed” were “the result of
an intrinsically pathological situation which could distort and rechannel the behaviour of essentially normal individuals.”

Many studies have been conducting on the impact of situational pressures on helping behavior. In one study, John Darley and Bibb Latané measured the time it took subjects to seek assistance for a person believed to be having a seizure. Some subjects were led to believe that other people were also in a position to aid the victim and the “number of bystanders that the subject perceived to be present had a major effect on the likelihood with which she would report the emergency.” Darley and Latané suggest that most subjects were torn between the apparent importance of assisting the victim and concerns about, for example, being embarrassed if they overreacted. For subjects who believed themselves to be the only source of aid, their conflict typically resolved in favor of helping, but, as the number of potential responders increased, “the cost of not helping was reduced” and subjects were more likely to be indecisive between the alternatives of helping and not helping. In a related study by the same authors, subjects were presented with “an ambiguous but potentially dangerous situation as a stream of smoke began to puff into the room through a wall vent.” Subjects grouped with apparently unconcerned experimental confederates were much less likely than isolated subjects to report the smoke. In addition to a perception of diffused responsibility, the presence of the other people apparently increased the likelihood of subjects interpreting the smoke as “a nondangerous event.”

Largely impersonal factors such as time pressure can also affect the likelihood of helping behavior. In a study by Darley and Daniel Batson, seminary students were significantly less likely to help a prone figure in their path if they were in a hurry. As part of the experimental setup, some students were heading to talk about occupations for
seminary graduates while others were to comment on Jesus’ parable of the Good Samaritan. The content of students’ discussions did not significantly affect the likelihood of helping, but whether a subject was told to “hurry” to his destination had a notable effect: 63% of unhurried subjects assisted the victim, while only 10% of hurried subjects offered assistance. Yet according to Darley and Batson, it was not the case that hurried seminarians “realized the victim’s possible distress, then chose to ignore it”; rather, under the effect of time pressure, hurried seminarians often “did not perceive the scene in the alley as an occasion for an ethical decision.”

2. Situationism and Moral Responsibility

To some, it will seem obvious that situationist data should have an impact on our thinking about moral responsibility, but it can be difficult to articulate this effect precisely. With respect to Milgram’s experiments, it may be relevant to assessments of responsibility that the pressures to which Milgram exposed his subjects seem to have made it difficult for them to refrain from “destructive obedience.” But what was the nature of this difficulty? Recently, Dana Nelkin has suggested that the subjects in situationist experiments seem to be “acting for bad reasons, or at least not acting for good reasons, and they seem stuck doing so.” Perhaps, then, the pressures present in situationist experiments make it difficult for subjects to refrain from, or to perform, certain behaviors because these pressures interfere with subjects’ capacities for responding to certain considerations. From the standpoint of assessing moral responsibility, this is significant for, as Nelkin observes, “having the ability to act for good reasons is essential to freedom and/or responsibility.” Thus, the subjects in situationist experiments may not be responsible for their behavior because situational pressures
have undermined their capacities for responsiveness to reasons, and this capacity is supposed to be crucial for moral responsibility.

Darley and Latané note that a person faced with an emergency must complete several cognitive operations before acting: “If he is to intervene, he must first notice the event, he must then interpret it as an emergency, and he must decide that it is his personal responsibility to act.” But each of these preliminary operations seems open to influence by situational factors. In the study conducted on seminarians, time pressure seemed to occlude subjects’ awareness of the moral relevance of their surroundings. In other studies, subjects’ interpretation of stimuli depended partly on whether they were alone or in a group. Perhaps the subjects in these studies had difficulty behaving in morally preferable ways because the situational pressures to which they were exposed undermined their capacities for the reflections and judgments necessary for preferable behavior.

Considering Milgram’s experiments from the outside, we may judge that there were decisive moral considerations in favor of subjects refraining from shocking an innocent person. Obviously, subjects were not responsive to these considerations, but their unresponsiveness does not appear to have been willful or perverse. As noted, Milgram believed subjects to be acting against their values and not in accord with pre-existing sadistic tendencies. But why, then, did subjects do something that seems so obviously wrong from the point of view of an observer? Nelkin suggests that perhaps situational pressures resulted in Milgram’s subjects failing to see how to translate their “deep commitments” into action. By contrast, John Doris suggests that Milgram’s experiment inspired a radical akrasia in subjects: their “wills are not merely weak but positively anemic.” Either way, Milgram’s experiment, and others like it, seem to raise Nelkin’s worry that subjects may be systematically “blocked from acting on good reasons.”
Sometimes people are exposed to obviously stressful circumstances: they are taken hostage, or they find themselves in a burning building or on a sinking ship. In such cases, we are unsurprised if a person cannot deliberate effectively, or if she is inattentive to morally salient features of her environment, and we may excuse the person’s behavior because we recognize that the circumstances in which she found herself made it difficult for her to achieve a very high standard of moral attentiveness and judgment. One lesson of situationism may be that contexts that seem initially unlikely to compromise a person’s capacity for ethical deliberation and observation may in fact do so. Perhaps, then, situationism should inspire us to be more liberal in our account of which contexts amount to excusing conditions.

3. Situational Influences and Wartime Behavior

In a provocative recent paper, John Doris and Dominic Murphy argue that situational pressures contribute to the commission of war crimes. Similar to Nelkin, Doris and Murphy suggest that some of the situationist experimental results arise from the way environmental factors undermine subjects’ capacity to recognize, reflect upon, and respond to moral considerations. Doris and Murphy express this point in terms of “normative competence,” which they define as a “complex capacity enabling its possessor to appreciate ethical considerations, ascertain information relevant to particular ethical judgments, and identify behavior implementing their ethical judgments.”24 Thus, in Doris and Murphy’s terms, situational factors affect moral functioning because they impair normative competence by making it difficult for agents to perform the perceptual, interpretive, and deliberative “cognitive feats” required for morally appropriate behavior.

Doris and Murphy also hold, like Nelkin and many others, that a person is morally
responsible for her behavior only if she has the capacity to respond appropriately to moral considerations; in other words, possession of normative competence is a condition of moral responsibility. Therefore, when Doris and Murphy find that certain circumstances undermine normative competence, they conclude that “individuals acting in such circumstances should, very often, occupy excusing conditions” and not be held responsible for their behavior. Finally, Doris and Murphy suggest that if “situational pressures of the sort adduced in the experimental record can impair the exercise of normative competence,” then it is reasonable to assume “that the extreme and often prolonged situational pressures typical of warfare can induce quite severe impairments in normative competence.”

This leads to an unsettling conclusion. If soldiers act in circumstances that seriously impair normative competence, then “[p]erpetrators of [wartime] atrocity typically occupy excusing conditions and are therefore not morally responsible for their conduct.”

Though perhaps surprising, Doris and Murphy’s conclusion has a basis in common moral intuitions. Both law and conventional morality recognize that human beings have limited capacities to cope with physical and psychological stresses and that it is often unfair to hold a person accountable for her behavior in contexts where these limits have been surpassed. We may, of course, be skeptical about whether the pressures studied by Milgram or Zimbardo are beyond human endurance, but it is plausible that soldiers in battle face conditions that approach this point. For their part, Doris and Murphy emphasize the fact that “combat environments are perceptually corrupted” in ways that the experimental record suggests can inhibit proper moral functioning. Combat soldiers are exposed to horrifying sights, sounds, and smells, and to a variety of physical deprivations and psychological stresses. Plausibly, these factors can all impede the feats of observation, interpretation, and judgment required for morally appropriate
behavior. Thus, there is some reason to favor Doris and Murphy’s claim that “soldiers are typically not responsible for much of their combat behavior.”

But what of the more radical claim that soldiers in general, and not merely those in combat, are excused for their wartime behavior? Even if we agree that the stresses of active combat are enough to undermine normative competence and to excuse some behavior, these stresses are often not present in the contexts in which war crimes occur. To take two cases on which Doris and Murphy focus, neither the actions of American soldiers at My Lai during the Vietnam War nor at Abu Ghraib prison during the Iraq War were committed in active combat. Still, Doris and Murphy claim that just as combat soldiers act in cognitively degraded circumstances, so too do members of the military not engaged in combat. Unlike the pressures that characterize the battlefield, the factors that contribute to the general cognitive degradation of military life are “‘distal,’ or ‘wasting’ pressures,” that may originate “at considerable spatial and temporal distance from the point at which atrocity occurs.” Examples of these pressures are features of martial culture and military training that have the potential to induce objectionable beliefs and attitudes in soldiers. By affecting soldiers in this way, distal situational pressures have the same result as the pressures involved in combat: they make it extremely difficult for soldiers to reach accurate conclusions about the moral permissibility of their behavior.

As Doris and Murphy put it, “[m]artial organizations have long devoted considerable resources to the dissolution of inhibitions regarding violent behavior, sometimes with the help of the best behavioral science of the day.” Most obviously, militaries attempt to override recruits’ disinclination to kill other human beings, but Doris and Murphy also note that “soldiers have on occasion been taught how to kill prisoners and how to sexually mutilate women”; the point
behind these observations is that the training a soldier receives “reconfigures the range of available behavioral options” for that soldier. Under the pressures of acculturation and training, objectionable behavior may come to seem permissible, and this new perception on a soldier’s part can itself act as an impediment to morally appropriate behavior. A haunting quotation from a Nazi doctor at Auschwitz suggests such a reconfiguration: “In the beginning it was almost impossible. Afterward it became almost routine.”

The promulgation and enforcement of racist or ethnocentric ideologies can play an important role in the reconfiguration of soldiers’ perception of “available behavioral options.” If a soldier can be inspired to view an enemy group as less than human, this may make it easier to overcome internal resistance to killing the enemy, but the same pressures may also make it difficult to see the point in keeping enemy prisoners alive or in distinguishing between civilians and combatants. As an example of the role of racism in war crimes, Doris and Murphy cite historian Omer Bartov’s observations about the German Army’s mistreatment of Russian soldiers during World War II:

By the second half of the war, German conscripts had been fed a constant diet of racial propaganda since boyhood, an upbringing that inflects their letters home from the front, which describe Russians as ‘depraved,’ ‘animal-like,’ and ‘no longer human beings.’ In the West, where the Nazis believed their racial theories were less applicable, the German military was better behaved.

An important part of Doris and Murphy’s argument is their claim that “atrocious behavior can come to seem morally appropriate” for some soldiers. So, for example, the reservists at Abu Ghraib “posed, smiling, for the camera while they tortured the people in their charge” and this “suggests that they genuinely did not think that they were doing wrong.” Such faulty judgments indicate the degree to which the reservists’ normative competence had been undermined, which in turn suggests, for Doris and Murphy, that the soldiers are not to blame for
their behavior.

However, the evidence that atrocity-committing soldiers cannot form accurate moral judgments may seem thin, for even if some soldiers come to wrongly regard “atrocious” behavior as permissible, this does not entail that they were unable to form accurate judgments on the subject. After all, possession of normative competence need not imply that a person never makes a moral error. Therefore, an isolated failure to form a correct moral judgment is not conclusive evidence of a lack of normative competence. At this point, however, the scale of the moral error in question may be relevant. From an observer’s point of view, the recruits at Abu Ghraib repeatedly committed acts that were obviously wrong; if they could not recognize such a rudimentary moral fact as this, then perhaps their capacity for moral judgment should be questioned.

Of course, the situational pressures at Abu Ghraib need not have causally determined the reservists’ behavior. Perhaps, even with all the relevant causal factors taken into account, it remained possible that the soldiers would recognize their behavior as wrong. But this is consistent with situational pressures at least making it very unlikely that these soldiers should have come to such a recognition. Indeed, the possibility of correct judgment and behavior may have been so slim for these soldiers that it is unlikely that their moral responsibility could hang on such a remote chance.

Similarly, soldiers exposed to intense situational pressures may retain a general capacity for making moral judgments and for responding to moral reasons. But possession of a capacity to, in general, make moral judgments is consistent with it being practically impossible for a soldier to form correct moral judgments in the specific contexts in which he finds himself and at the specific times at which his moral resources are called upon. Presumably, if normative
competence matters for moral responsibility, then what is required is the capacity to respond to the actual reasons an agent confronts in the actual circumstances in which he confronts them. In the end, it may be that many soldiers who commit atrocities are guiding their behavior as well as can be expected, given the circumstances in which they must function. This seems to be Doris and Murphy’s point when they claim, with respect to the killings at My Lai, that “[g]iven the war-fighting culture in Vietnam,” and “from the perspective of the soldiers in the field,” an order to kill civilians would not necessarily appear improper and that “a person of ‘ordinary sense and understanding’ could not, in conditions like that, reasonably be expected to determine that orders to kill civilians were illegal.”

Doris and Murphy make a strong case for the claim that soldiers often act in conditions that undermine normative competence. At any rate, I will assume for the sake of argument that the normative competence soldiers possess is often too limited to ground ascriptions of moral responsibility. However, I reject the view that we should adopt a presumption of soldiers’ nonresponsibility for war crimes. Many soldiers may be morally responsible for their bad behavior—in the sense of lacking a moral excuse for their actions and being proper targets of moral blame—even if their normative competence is seriously impaired.

4. Alternate Cognitive Possibilities and Moral Responsibility

Situational pressures may well undermine normative competence and facilitate the commission of war crimes, but this does not entail that those influenced by these pressures are excused for their behavior. This is because even agents who lack the ability to respond to certain moral considerations may still govern their behavior in ways that make them potentially blameworthy for that behavior. The following example will help to illustrate the preceding claim.
Suppose that you know of two similarly situated agents who are both deliberating about how to behave, and suppose that both agents decide to perform morally offensive actions for self-serving reasons. Other things being equal, you should be inclined to hold these agents equivalently responsible for their behavior. Suppose, however, that you learn that one agent possesses a kind of normative competence that the other lacks. Assume, for instance, that while both agents perform wrong acts for similar reasons, it was possible for one agent, but not the other, to be appropriately responsive to the considerations against performing the action in question. I contend that upon learning this fact about the agents’ differential normative competence, you are not necessarily obliged to revise your judgments about the equivalent moral status of the actions in question, nor need you revise your assessment about the relations the two agents bear to their actions. Both actions may still be offensive and they may still both emerge from the agents’ decisions to act on self-serving reasons. By hypothesis, one of the agents cannot respond appropriately to the moral considerations against performing a self-serving action, but this does not mean that she fails to act on self-serving considerations. Moreover, judgments about moral responsibility and blame are plausibly construed as primarily judgments about an agent’s relation to a given action and the moral quality of that action. If moral responsibility depends on these facts, and these facts do not themselves depend on the possession of normative competence, then the lack of certain competencies may often not call an agent’s responsibility into question.

It is helpful here to consider the compatibilist perspective represented in Harry Frankfurt’s famous objection to the Principle of Alternate Possibilities or PAP. According to PAP: “a person is morally responsible for what he has done only if he could have done otherwise.”39 Frankfurt argues that PAP has initial plausibility because some factors that exclude
the ability to do otherwise also prevent an agent from guiding his behavior by his desires and practical deliberations. For instance, a person acting under the influence of hypnosis might not be able to refrain from an action and, since the person is hypnotized, the action in question will not issue from the agent’s deliberations about how to behave. Since moral responsibility seems to require that an agent exercise a form of guidance, or “guidance control,” over her actions, we tend to generalize from a case like hypnosis to the conclusion that people are not responsible for their behavior whenever they cannot do otherwise. However, according to Frankfurt, this generalization is unwarranted because we can imagine cases in which an agent cannot do otherwise, yet she still guides her behavior in light of her desires and judgments about how to behave.

Frankfurt’s presentation of the case against PAP relies on the use of examples in which an agent supposedly cannot do otherwise yet is intuitively responsible for his behavior. There has been a great deal of debate about the efficacy of these examples and, in particular, about whether the agents depicted in these examples genuinely lack access to alternate possibilities. However, even if this debate remains unresolved, we can take an important insight from Frankfurt’s argument. This insight is simply that the elements of control over an action that matter for moral responsibility occur independently of whether the agent who performs the action could have done otherwise. We have, after all, little reason to suppose that there is a necessary relation between a person’s inability to do otherwise and an inability to act for reasons and on her desires. An inability to do otherwise is sometimes associated with an inability to act on judgments about reasons, but the first inability does not generally entail an inability of the second sort. Therefore, if an agent’s guidance of her behavior is relevant to moral responsibility, then the question of moral responsibility can often be engaged independently of inquiry into whether agents could
have done otherwise.

John Martin Fischer has recently offered the following helpful articulation of Frankfurt’s point: “what we value in action for which an agent can legitimately be held morally responsible is not that he makes a certain sort of difference to the world, but rather that he expresses himself in a certain way. And this sort of self-expression does not require alternative possibilities.”

Because the possibility of expressing oneself through action is conceptually independent of access to alternate possibilities, we may be unsure about whether a person could have done otherwise yet still find her action to express morally significant facts about her judgments, attitudes, and motives. Fischer’s emphasis on self-expression in this context suggests a relation between Frankfurt’s work and the influential perspective laid out by Peter Strawson in “Freedom and Resentment.” Strawson emphasizes the “importance that we attach to the attitudes and intentions towards us of other human beings.”

On Strawson’s view, to regard a person as morally responsible involves taking a special interest in the attitudes her actions express and being prepared to respond to these attitudes with various “reactive attitudes” of our own. For example, if you regard someone as a morally responsible agent, then, to the degree that this person’s actions express attitudes of contempt or ill will, you will often have a tendency to respond to this person with negative attitudes, like resentment, that characterize moral blame.

I take the preceding to provide, in broad strokes, some basic elements of an account of moral responsibility that many compatibilists find appealing. The central idea is that an agent is morally responsible for behavior that arises, in the right way, from a constellation of the agent’s subjective attitudes, judgments, motivations, intentions, and so forth. On the one hand, the involvement of these subjective states in the production of action does not entail that the agent could have done otherwise. On the other hand, when these states are involved in action
production, they amount to a kind of action-guiding control on the agent’s part and this control licenses the responses, on the part of those affected by these actions, that characterize holding agents responsible for their behavior. I turn now to consider the relation between normative competence and moral responsibility from this compatibilist perspective.

If possession of normative competence is necessary for moral responsibility, then there is an access to alternate cognitive possibilities requirement on responsibility. Doris and Murphy illustrate this with their description of normative competence as a set of capacities that enable the various cognitive feats required for morally appropriate behavior. A wrongdoer’s possession of normative competence means that he could have formed morally appropriate beliefs, attitudes, and judgments, and even many compatibilists regard this sort of cognitive access as crucial to moral responsibility. But an Alternate Cognitive Possibilities requirement on responsibility can be rejected for reasons similar to those Frankfurt gives for rejecting PAP. This is because even agents who cannot correctly assess the moral status of their behavioral options may still guide their actions by, and express through their actions, morally relevant judgments, attitudes, and motivations. The actions of such agents may amount, therefore, to instances of self-expression to which the negative reactive attitudes and moral blame can be appropriate responses.

Of course, some factors that impair moral understanding do exclude moral blame. Plausibly, some of the extreme conditions of battle are like this. Surely, as Doris and Murphy argue, the appalling sights and sounds of battle can degrade cognitive functioning to such a degree that a confused and terrified soldier, swept up in battle, may become blind to the moral status of her actions. However, in this case, the lack of moral awareness seems to stem from the generally cognitively degrading circumstances of battle. In other words, a soldier in these circumstances may be unaware of the moral status of her actions because she barely has any
awareness of her own actions. A soldier in these conditions may not be responsible for her behavior, but this is not because she cannot reach morally appropriate conclusions about how to behave. Rather, she is not responsible because the pressures of battle have generally severed the connection between the soldier’s deliberations and her actions so that her actions do not amount to instances of morally relevant self-expression.

However, other situational pressures bring about behavioral effects by more directly impacting agent’s deliberative processes. As we have seen, it may be comparatively easy for a person running late to conclude that another person is not in need of assistance, and a person may be less likely to interpret ambiguous stimuli as evidence of an emergency if he is in the presence of other people who seem unconcerned. Inaction in these cases is not the result of agents’ cognitive capacities being generally overwhelmed or agents being unable to guide their behavior in accord with their deliberations. Rather, the situational factors in question incline agents to form attitudes that favor inaction, and their deliberations proceed accordingly. Doris and Murphy’s distal situational pressures are also like this. The impact of these factors may leave a soldier unable to assess the moral status of his actions, but these actions may still be under the soldier’s deliberative control and he may perform them with awareness of how they affect other people. With distal factors, the achievement of morally correct deliberative conclusions seems to be inhibited because the acquisition of contrary attitudes, beliefs, and motivations has been facilitated by these factors. For instance, if situational pressures inspire a soldier to view torture as permissible, or racism as normative, then this is likely to have a corresponding effect on the soldiers’ deliberative conclusions about how to behave.

Thus, distal situational factors can be very different from the sensory pressures of the battlefield. In some cases, the confusion and hyper-stimulation of battle may inhibit moral
functioning because these factors act largely as *external* impingements on a soldier’s deliberative and motivational capacities. But cultural or social factors, and the techniques of education and training, obstruct moral functioning in a way that works *through* the agent’s capacity for deliberation and action guidance. Pervasive features of military culture may incline a soldier to acquire morally objectionable attitudes and this acquisition may make it overwhelmingly difficult for the soldier to grasp reasons for refraining from certain bad behavior. But the obstructions to moral behavior are now *internal* to the soldier in an important way: what obstructs the soldier’s access to better behavior are just the attitudes that cause him to wrongly conclude that his behavior is unobjectionable. In virtue of this internality, the soldier’s actions can express the objectionable attitudes that shape his behavior even as these attitudes compromise the soldier’s capacity for responsiveness to moral reasons.

According to the compatibilist perspective outlined above, the expressive force of deliberatively guided behavior is relevant to moral responsibility. In particular, certain kinds of contempt or ill will, when expressed in action, form an appropriate basis for moral blame. I will say something in the next section about what sort of expressive content makes negative reactive attitudes and moral blame appropriate. Here, I will simply say that actions motivated by racism, ethnic or sectarian hatred, or misogyny are likely to be actions that express the sort of malice and contempt to which moral blame is an appropriate response. I suggest that the status of these actions, and the attitudes that motivate them, is unchanged by the fact that the racist, sectarian, or misogynist has acquired his views under the pressure of military culture or training.

Now one thing that may seem to change the status of a soldier’s objectionable actions is the possibility that he has *unavoidably* acquired the attitudes that guide his actions. If distal situational pressures make certain attitudes, and subsequent actions, practically unavoidable for
some soldiers, then perhaps it is unfair to blame them for their attitudes and actions. We may think, after all, that a person is fairly subject to blame only if she could have avoided being blamed. In response, it is important to note that there are different ways in which an action can be unavoidable. Certainly, it is unfair to blame a person whose action was unavoidable because she was subjected to mind control, but the unfairness here stems from the fact that the actions of such an agent are unlikely to express her contemptuous attitudes towards others. Therefore, action issuing from mind control would not generally, or in the appropriate way, motivate the responses involved in holding someone responsible for her behavior. However, a soldier inducted into a racist military culture who unavoidably believes that racist behavior is permissible may still guide her actions by, and express through her actions, blame-grounding motivations, judgments, and intentions. On the perspective advocated here, questions about the fairness of blame are to be answered by reference to the quality of an agent’s action and his guidance of the action, and not simply by reference to the avoidability or unavoidability of the agent’s exposure to blame.

In this section, I have tried to explain why military personnel may not necessarily enjoy a moral excuse for objectionable behavior even if they are subjected to pressures that impair normative competence. It is consistent with not being able to engage in effective moral deliberation that a person purposefully guides her behavior and does so on the basis of attitudes and commitments that are seriously morally objectionable. Thus, even a soldier who cannot recognize the objectionable nature of his actions may still be responsible for these actions in the sense that he is open to moral blame on the part of those he has mistreated.

5. When is Blame an Appropriate Moral Response?
Analysis of the concept of responsibility is typically conducted in an impersonal and objective mode, but the practice of holding others responsible often issues from a perspective of personal engagement. When someone mistreats me, I do not merely view the person as responsible in a general sense, rather I see him as responsible for how he has treated me, and I may wonder how it is reasonable for me, in particular, to respond to this person. The ambit of inquiry into moral responsibility is much wider than this, but the personal and engaged perspective of injured parties is central to the practice of responsibility and a full account of moral responsibility should be attentive to this perspective.

Given the significance of the injured party’s perspective in discussions of responsibility, it may sharpen reflection on the impact of situationism to think concretely about the perspective of the “victim” in the various situationist experiments. There was, of course, no victim in Milgram’s experimental setup, but we can easily imagine there to have been. Suppose that a “learner” initially consents to participate in a study in which he is shocked, but that he unambiguously withdraws his consent after being surprised by the intensity of the shocks. Now imagine that a “teacher” in this scenario continues to administer shocks at the behest of a lab technician and in full awareness of the learner’s withdrawal of consent. Clearly, the learner in this case has been victimized and questions about the moral responsibility of those involved in this victimization can be partly recast as questions about how the victim might reasonably respond to these people.

Is it appropriate for the learner to feel resentment and to hold someone to account for his treatment? At whom may such responses be directed: The teacher? The experimenter who ordered the teacher to continue? Those who designed the experiment? All of these? Perhaps the teacher can avoid blame by citing the situational pressures to which he was subject. It may be
that the learner, looking for someone to blame, *should* find it relevant that the teacher was in an unfamiliar environment and was pressured by an authority figure to comply with the rules of an experiment in which the teacher and the learner had both agreed to participate. At the least, the anxiety and reluctance that Milgram reports should indicate that a teacher is not worthy of the blaming responses that might be directed at a sadistic, free-lance torturer.

Whatever the ultimate assessment of responsibility in the above scenario, the inquiry into responsibility would be incomplete if it ignored the question of how the victim may reasonably respond to those who injured him. However, a complication arises here because we may see a victim’s blaming responses as *understandable* even when they are not strictly justified by the considerations that apply to moral blame. Suppose, for instance, that we regard a teacher in a Milgram-type experiment as excused for his behavior. If the teacher’s behavior is excused, then he is not open to moral blame and, strictly speaking, it would be unreasonable for a learner to blame the teacher. Yet, we might think it callous to demand that the learner take such a high-minded perspective after having been tortured. We might adopt, then, an indulgent attitude toward the learner and his tendency to blame, even if his reactive attitudes are not in strict conformity with the principles that govern their permissibility.

I refer to the foregoing possibility only to note that this is *not* the approach I favor with respect to judging whether those who commit atrocities may be blamed. If wartime abuses, such as those committed at Abu Ghraib, are undertaken knowingly and motivated by certain kinds of malicious attitudes, then it is appropriate for the victims of the abuse to blame their abusers, and to do so *for the normal reasons* that make blame appropriate. In such a case, it would not be a special indulgence to view these victims’ blaming responses as legitimate. Rather, those who are targeted with blame *deserve* to be so targeted if their actions were, for example, guided by racist
contempt for their victims.

There may be accounts of why a wartime atrocity occurred that could go some way toward softening the reactive attitudes of its victims. But most of the considerations that Doris and Murphy advance are not of this sort. For example, it may well be that the abuses at Abu Ghraib were not regarded as illegal “by some of the [United States’] highest legal, military, and intelligence-gathering authorities”; it may also be that there were “difficulties in the command structure” at Abu Ghraib and that the army reservists who committed the abuses “were poorly trained and supervised.” These factors raise the issue of responsibility higher up the chain of command and they may constitute an important part of the story of how a culture of abuse developed at Abu Ghraib. But awareness of these facts need not persuade the detainees that they should excuse those who mistreated them because these facts need not persuade them that the treatment they received was anything other than intentional and motivated by contemptuous disregard for their welfare.

A more compelling case for excuse might be mounted on the suggestion that the reservists at Abu Ghraib “understood themselves to have been subordinate to intelligence personnel who expected them to commit abuses.” This could amount to an excuse if it indicates that the soldiers acted to avoid punishment for failing to satisfy expectations. However, Doris and Murphy’s appeal to military orders and military authority serves mainly to substantiate the claim that soldiers often view objectionable behavior as permissible. But the fact that a wrongdoer incorrectly regards herself as acting permissibly does not necessarily mean that those affected by her actions have no grounds for resentment and blame. After all, a mistaken belief in the permissibility of actions that harm others may simply reflect the depth of an actor’s contempt for these others.
On the other hand, we do sometimes offer an excuse by saying, “She didn’t know what she was doing” or “She thought she was doing the right thing,” and these excuses seem to turn on a person’s ignorance about some aspect of her behavior. But the ignorance here is not primarily about the moral status of actions. Rather, these excuses point to ignorance about the potential consequences of action: ignorance, for instance, about whether an action will help or hurt someone. Additionally, a claim like “She didn’t know what she was doing” may indicate that an action was not motivated by contempt or ill will, even if the consequences of the action were harmful. But these excuses are unlikely to apply to soldiers like those at Abu Ghraib who were presumably aware that they were treating other people in an unwelcome manner. And, while the reservists may have regarded this treatment as permissible, this is consistent with the treatment being motivated by contempt for those who were mistreated.

It is worth noting here that if we take a person’s belief in the permissibility of her bad behavior as evidence that she is excused, then excusing conditions may be extremely widespread. It would be arbitrary, after all, to limit a presumption of nonresponsibility to professional soldiers in regular national armies if the pressures present in that context also occur elsewhere. Given Doris and Murphy’s argument, a presumption of nonresponsibility might apply in varying degrees to members of many groups: guerrilla armies and militias, terrorist cells, secret police forces, racial identity movements, organized crime families, and street gangs, among others. Bad actors in any of these groups may regard their actions as permissible, and they may do so because they have been inducted into a way of life and set of attitudes that result in a practical inability to be persuaded by moral reasons against certain behaviors.

I have suggested that moral blame is appropriately directed at agents whose actions
express contempt for others. But let us suppose that in some cases a person or group can deserve contempt. In such a case, contemptuous treatment, perhaps extending to physical abuse, may also be deserved and so might not justify blaming responses on the part of those who receive this treatment. Whatever the merit of this line of thought, it is unlikely that it would fit very many instances of wartime abuse. Doris and Murphy emphasize the way military organizations inspire and exploit attitudes of national and racial bias. If attitudes such as these motivate abuses or atrocities, then this treatment cannot plausibly be regarded as “deserved.” The goal of this paper is not, of course, to substantiate the claim that any particular group of soldiers is motivated by ethnic bias or similarly objectionable attitudes. I contend merely that if transparently malicious attitudes play a role in wartime abuses, then those who commit such abuses are not placed beyond the proper reach of blame just because institutional features of military life make such attitudes difficult to avoid.

This brings us again to the issue of avoidability. One consideration that may seem to speak in favor of excusing soldiers subjected to morally corrupting factors is their sheer bad moral luck. These soldiers may be in circumstances they cannot control or avoid yet that materially affect the moral quality of their behavior. In a 2004 editorial that noted similarities between the events at Abu Ghraib and the Stanford Prison Experiment, Philip Zimbardo asks, “Should these few Army reservists be blamed as the ‘bad apples’ in a good barrel of American soldiers, as our leaders have characterized them? Or are they the once-good apples soured and corrupted by an evil barrel?” The suggestion seems to be that blame would be appropriate if the reservists were “bad apples.” But what is a bad apple in this context? Is it a person who would have behaved as the reservists at Abu Ghraib behaved, but without having been subjected to unfortunate situational pressures? Perhaps Zimbardo has in mind a sort of natural sadist.
However, if the worry is that the reservists at Abu Ghraib were so unlucky as to have been forced into a corrupting “evil barrel,” then we should extend the same consideration to a genuine bad apple. Just as it was the reservists’ bad luck to be corrupted by distal pressures, so too is it bad moral luck to be a bad apple. And surely if anything makes it difficult to respond to moral reasons, then being naturally bad or sadistic will do so. When we take this perspective, we are again faced with the prospect of excusing conditions vastly multiplying. Many wrongdoers may believe their behavior to be permissible because they are in the grip of corrupt attitudes, and in many such cases there will have been a significant element of bad luck in the explanation of how the wrongdoer came by these attitudes.

While it is unfortunate for a wrongdoer if he could not avoid coming to possess objectionable attitudes, this does not in itself make his attitudes any less objectionable. However, to treat a genuine wrongdoer as excused and immune to blame does fail to take the full measure of the attitudes that moved the wrongdoer. Suppose that the soldiers at Abu Ghraib abused detainees because, under the pressures of military life, they unavoidably came to view the detainees as contemptible creatures who did not have the standing to object to being used as objects of sadistic amusement. In this case, if we were to say that, from the standpoint of strict moral fairness, the detainees should not regard their abusers as morally accountable for their actions, we would be telling the detainees that they are mistaken to regard their own victimization as good grounds for moral blame. But this seems to ask the abused detainees to view their own victimization as something other than what it was; it asks them to view the abuse they suffered as morally analogous to a regrettable accident, a justified punishment, an attack by a wild animal, or some other harm not intentionally inflicted on the basis of morally offensive attitudes. But the treatment the detainees received was not accidental or justified. Rather, these
abuses were intentionally inflicted and if they were motivated by certain kinds of objectionable attitudes, then those who suffered on account of these attitudes have as much right and reason to blame those who abused them as anyone ever has.

6. Conclusion

We sometimes make allowances for people out of regard for the circumstances in which they act. If a person is under great stress, in physical danger, acting under a threat, or in great sorrow, this can impair her capacity to perform the various tasks of attention, deliberation, and motivation necessary for morally appropriate behavior. Consideration of such impairments may lead us to think it is unfair or overly stern to blame a person for her behavior, even when her behavior is hurtful or unwelcome. Plausibly, the situationist experiments indicate that relatively modest or unobtrusive situational pressures can have a disproportionate influence on behavior similar in some ways to more obviously stressful circumstances. Insofar as situationism causes us to reconsider the human capacity for dealing with apparently mild environmental pressures, it should also incline us to see excusing conditions where we previously had not.

However, if our attention is focused too narrowly on how situations impact agents’ normative capacities, then our account of moral responsibility may become too permissive. Dana Nelkin concludes that when we assess the effect of situational contexts on responsibility, we should consider “whether the agent has the normative and other capacities required for freedom and responsibility. For example, does she have the knowledge—of herself and of the salient aspects of the world—to allow her to recognize good reasons, and does she have the capacity to translate those reasons into motives and actions?” But if we believe that a person is excused
whenever she cannot recognize or respond to good moral reasons, then we are led to the uncomfortable conclusion that Doris and Murphy advocate. In fact, we may be forced to expand excusing conditions beyond what Doris and Murphy encourage: many bad actors besides soldiers who commit war crimes may believe that they act permissibly, and this commitment itself may limit their ability to recognize and respond to good moral reasons.

To avoid Doris and Murphy’s conclusion, we need not argue that atrocity-committing soldiers possess normative capacities that are robust and fine-grained enough to make them responsible for their behavior. Indeed, Doris and Murphy make a good case for the unlikelihood of such a hypothesis. A better response will note that situational influences can undermine normative competence in different ways, not all of which will eliminate agents’ blameworthiness for their actions.

Whether a person is morally responsible for her behavior has in part to do with how those affected by this behavior may respond to the actor. Some situational factors, like the grossest deprivations and sensory pressures of battle, may lead to action that is essentially unrelated to a soldier’s capacity for deliberatively guided behavior. These pressures tend to excuse soldiers for their behavior since under these pressures their actions may not express attitudes that make blaming responses appropriate. However, other situational pressures seem to affect behavior by influencing the path that deliberation takes. Of these latter pressures, some, such as Doris and Murphy’s distal pressures, are associated with the commission of wartime atrocities because they inspire soldiers to view certain people as open to objectionable treatment. Such factors may indeed make it difficult for soldiers to see that their actions are wrong and to refrain from them, but these actions may still express offensive judgments and attitudes that are relevant to assessments of responsibility and blameworthiness.\textsuperscript{51}


5 Detailed accounts of the different versions of Milgram’s experiment can be found in Stanley Milgram, Obedience to Authority: An Experimental View (New York: Harper and Row Publishers, 1969). For details of learners’ verbal responses, see pages 22-23 and 56-57.


7 Ibid., p. 374.


9 Ibid., p. 90.

10 Ibid., p. 81.

11 Ibid., p. 89-90.


13 Ibid., p. 382.

14 Bibb Latané and John M. Darley, “Group Inhibition of Bystander Intervention in Emergencies:

15 Ibid., p. 219.


17 Ibid., p. 108.


26 Ibid., 34.


29 Doris and Murphy, op. cit., p. 35.
30 Ibid., p. 38, emphasis added.

31 Ibid., p. 39.

32 Ibid.


34 Doris and Murphy, op. cit., p. 47.


36 Ibid., p. 38.

37 Ibid., p. 47.

38 Ibid., p. 45.


41 Important discussions of this aspect of Frankfurt’s work can be found in David Widerker and Michael McKenna, Moral Responsibility and Alternative Possibilities: Essays on the Importance of Alternative Possibilities (Aldershot, UK: Ashgate Publishing, 2003).


43 Strawson, op. cit., p. 75.

44 For a defense of this type of perspective, see Wallace, op. cit., pp. 196-207.

45 Ibid., pp. 48-49.

46 Ibid., p. 49.

48 Zimbardo, “Power Turns Soldiers,” op. cit.


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