Not Your Place: Trauma and the Authority to Blame

Abstract: When we find out that someone does something morally wrong due to past trauma, it tends to give pause to our blaming attitudes. What explains that? And can we justify it? In this talk I will argue that reasons of justice tell in favor of a standing to blame account, according to which the reasons that tell against blaming stem from facts about the blamer rather than the blamed person. I will argue that we should understand the diminished standing to blame in these cases as being more closely related to a complicity condition on the standing to blame rather than a hypocrisy condition.

Word Count: 2926

Robert Harris was a 25 year old who murdered two 16 year olds who were sitting in a parking lot eating fast food, 15 minutes later sat around laughing and eating their burgers, joked about going to their parents posed as cops to tell them that their children were dead, and considered driving around in their car killing some police in the area. But also, Harris was an incredibly sensitive child who always cried when Bambi died. Harris’s parents were alcoholics who verbally and physically abused him. He was teased at school for a learning disability, spent years in juvenile detention where he was sexually abused, and became such that the only way he could vent his feelings was through breaking or eventually killing something.¹

This is a case where it is difficult to form a coherent picture of how we ought to respond in regards to our blaming reactions, as the horrors of both his circumstances and of his deeds are both so extreme. But the question of whether past trauma in some ways ought to give pause to our blaming reactions is arguably a lot broader than this: Abby acts defensive rather than fully listening to her husband due to growing up in an emotionally manipulative family environment, Jamal storms out of the room because the wallpaper reminds him of the room in which he was assaulted. Many of our lives involve some sort of trauma. And we need to be able to ask questions about our practices not just as they pertain to

¹ This description adapted from Watson (1987).
grand judgments in high-stakes cases, but also as they pertain to our everyday interpersonal dramas. These questions are pervasive in terms of real-world decisions we need to make on a regular basis, but they remain largely unsettled.

Settling these questions is also a matter of justice because the distribution of trauma in the world is not equal. To give just a few quick statistics, Black people have higher lifetime rates of PTSD than white people\(^2\), women have rates twice as high as men\(^3\), and trans people have rates estimated to be anywhere from three to nine times higher than cis people.\(^4\) All racial minority groups are less likely to seek treatment for PTSD than White people, and fewer than half of minorities with PTSD seek treatment.\(^5\)

If we ought not blame people whose actions are partially explained by past trauma but we do currently blame them, our current system may be seriously flawed, unfair, and unjust. On the other hand, it’s not straightforwardly the case that exemption from blame is always good for the exempt. To exempt from blame can be to signal that someone is not a full moral or rational equal and to diminish their sense of agency.

Interestingly, Gary Watson, who first introduced Harris’s case into the literature, diagnoses a deep *ambivalence* in our responses. It’s that we are “unable to command an overall view” that would allow for our blaming attitudes to be sustained without ambivalence.\(^6\) Today I want to explore the idea that this ambivalence is due to the fact agents with trauma histories that contribute to their current actions *are* morally responsible for their actions but that we may rightfully question our standing to blame them.

I think that shifting to this focus on facts about the blamer to illuminate why we give pause to our blaming attitudes in the case of past trauma has some significant benefits over explaining the view in terms of undermined responsibility. For example, consider the view that past trauma undermines responsibility because that trauma has an undue influence on a person’s behavior in a way that undermines the agent’s ownership of her action. This literalizes the saying “you

\(^2\) See Roberts et. al (2011).
\(^3\) See Olff et. al (2017).
\(^4\) See Reisner et. al (2016).
\(^6\) See Watson (1987).
are not your trauma,” which at first seems as if it could be empowering, compassionate response.

But consider the structurally similar case in which a husband says to his wife, “honey, I’m not going to take what you’re doing or saying seriously right now or as a representation of what you really mean since I know better that it’s just your PMS speaking.” His wife, it would seem, would not be empowered by this and in fact would have a legitimate complaint against her husband. The complaint is that her anger was about something personal—something mediated through her thoughts, feelings, and desires even if it may have been partially sparked or intensified by some cause that is not directly relevant to the matter at hand. To treat her as having diminished ownership in this case is to distance her from her actions in a belittling way. Actions that stem from past trauma similarly are not generally weird blips in the causal chain circumventing normal processes of agency, and treating them as such would seem to be grounds for the same sort of complaint.

Furthermore, giving the explanation in terms of a lack of ownership of some kind would seem to have strange implications for positively-valenced acts caused by past trauma.

Of course, we might understand mitigated responsibility in the case of past trauma in another way besides in terms of diminished ownership. We might instead understand such a person, if they have the relevant sort of history of trauma, to lack the capability or skills for normative competence, that is, roughly, they lack the ability to acquire the right values, or maybe even to respond to the fact that certain moral norms tell in favor of or against some proposed action. This idea is often coupled with the idea that in response to someone who lacks these abilities we can only take the objective attitude towards them. Since they cannot participate in full-fledged reciprocal interpersonal relations in the moral community---we can only treat them and their wrongdoings as things to be managed.

While there may be a genuine question whether or not taking up this attitude would be appropriate towards people like Robert Harris, one which falls outside of the purview of my talk today, I think we should be exceedingly cautious about
applying this idea more broadly to explain the more general intuition we have about people acting out of past trauma. To quote Angela Smith,

[B]eing held responsible is as much a privilege as it is a burden. It signals that we are a full participant in the moral community, someone who is capable of regulating her own attitudes and conduct, and who therefore can legitimately be called to account for them. ... To deny someone this status, then—even with regard to just one or a few attitudes—is a serious matter...For anyone who has had the unpleasant experience of having her emotions or reactions dismissed in this way, it should be clear that being denied responsibility for one’s attitudes has its costs. Such denials can be deeply patronizing and disrespectful, and we should not be too eager to resort to them...

In contrast, a diminished standing to blame view puts the focus not on what the blamed person might lack in order to stand in the proper moral relationship, but on what the blamer might lack. The idea is not that the blamed person is so damaged by her trauma that she lacks some capability of the full-fledged moral agent, but rather that the blamer lacks a full right to weigh in. This shifts the focus off of trying to figure out the ways in which a person’s trauma might put them beyond reach from our community, or irreparably damage them as agents, and puts the critical focus on us.

How might we make sense of the idea of diminished standing in the case where the blamed person’s action is due in part to past trauma? One idea is that when we blame the trauma survivor we are hypocrites of a sort: we are guilty of what Neal Tognazzini and Justin Coates call “subjunctive hypocrisy.” While actual hypocrisy involves actually doing the thing that you are blaming someone for, subjunctive hypocrisy would involve blaming someone for something that you would have done if you had been subject to similar circumstances.

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7 Smith (2005), pg 269; cf. Smith (2008), pg 390.
8 See Coates and Tognazzini (2014).
Despite its attractions, this is a somewhat unstable theoretical position to hold, as it is subject to a dilemma. When we’re saying “you shouldn’t blame someone because you would have done the same thing if it were you,” do we mean that it would be hard or impossible for anyone to turn out differently, and you’re no exception? If so, what we’re really saying amounts to something like *wow, it would have been really hard to avoid ending up acting out in the way this person did, given what she went through.* The amount of effort this person would have had to go through to avoid doing this is really high, and that in some way affects our judgment of the morality of their action or of their responsibility. If that’s what we mean, it sounds like we’re really appealing not to facts about the blamer after all. In order to see that this might be the case, take a case where someone acts out of past trauma, and where it seems true that “if you experienced that trauma, you would have done the same thing.” Now, build into the example whatever facts you think need to obtain to for that person with past trauma to be acting as freely and responsibly as she can (given the fact that her past trauma plays at least some role in why she comes to do what she does)— My guess is that the more you focus on those details, in many cases the less obvious it will become that you would have done the same. If that’s what does the explanatory work though, then it’s not really about standing after all since the reason you give pause to your blaming emotions is due to facts about the blamed person and not about you.9

There might be some cases, though, where you think *no, it wouldn’t be inevitable or out of my control, I’m just likely to have also done this morally wrong thing.* It seems to me, though, that even the relatively morally saintly person has reason to give pause to her blaming attitudes in cases where someone acts out of past trauma. And for her, it looks like it probably just won’t be true that she would have done the same thing if she experienced the trauma unless we imagine the trauma as agency-undermining in some way. It looks like we can’t explain her reason to give pause to her blaming attitudes by reference to hypocrisy without the view collapsing into a view about diminished responsibility due to past trauma.

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9 See also Todd (2017).
What’s different in the case of past trauma, I now want to contend, is that it’s hard not to see the meaning of the action as, in part, communicating a cry for help: one which we, collectively, have not answered.

This brings us to a view on which the explanation for our diminished standing is more closely related to complicity than it is to hypocrisy. This might initially be a puzzling view, as of course we are usually not literally the cause of the trauma, nor do we aid and abet the current actions of the traumatized; in fact in some cases we are even the victims of those very actions! However, I believe that it is not so farfetched to believe that collectively we might bear some responsibility for the conditions that lead traumatized people from the trauma to the point at which they come to act morally wrongly in the present, via our collective negligence to provide adequate support.

Here I take inspiration from Watson’s “A Moral Predicament in the Criminal Law,” a paper in which he takes seriously the charge that the United States is so significantly implicated in the social injustice that leads to law-breaking in marginalized communities that its jurisdiction to punish people from these communities is threatened. According to Watson, the US is implicated both through its enacting policies that create the conditions of extreme racism and poverty, but also through its neglect of or indifference towards people who are raised in these circumstances. To a lesser extent, I think this sort of neglect might be an apt way to think about how we collectively fail trauma survivors. When our friends are profoundly suffering and we do nothing about it, and then they occasionally lash out, in what ways should we temper our blame because this is a completely predictable outcome in the absence of caring intervention?

The relationship between our failure to do something to help and the resultant action is sometimes even made explicit through the choice of target. The target is a clue towards figuring out what, specifically, the cry for help is, or what the communication of the action is a reaction to. Watson discusses the real life case of Benjamin Murdock, who had a homicidal reaction to the racial taunting of a group of white soldiers. We can make the most sense of this as a tipping point; not something that came about ex nihilo. The ways in which we contribute or fail to positively intervene in the context preceding the tipping point are relevant to

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the ethics of blame in the case. Consider, also, the victim of sexual assault at the hands of a man who is prone to saying unreasonably cruel things to men in general. On the one hand, it’s still not morally right to be cruel to individuals who have caused you no harm. On the other, the fact that men, collectively, need to do much better in cultivating a climate that fosters the conditions that lead to her past trauma, is not wholly irrelevant to the ethics of blame in this scenario.

Even in a case of seemingly senseless violence, there is usually sense to be made when it is truly related to trauma, even if the connections are initially opaque. In order to make sense of the relation between Harris’ traumatic past and his later deeds, we need to understand that his actions were a way of striking back at “society” or the “moral order.” This is why Harris wanted to kill cops. As Watson puts it, “he defies the demand for human consideration because he had been denied this consideration himself. The mistreatment he received becomes a ground as well as a cause of the mistreatment he gives. It becomes part of the content of his “project.” In this way, “Harris’s cruelty is an intelligible response to his circumstances.”11 What we do, or fail to do, in response to the trauma experienced by those around us fosters the conditions against which acting out in certain immoral ways, as Watson puts it, makes sense in a variety of ways.

One way of cashing out the resultant diminished standing first conceives of blaming as placing a demand. Of the US government holding minorities to answer for their crimes, Watson writes that

> the injustice is...relational...The political community cannot rightly demand that the defendants’ answer to it without also answering to them for the part it has played in that wrongdoing.12

The same may be true of the trauma cases. What Watson highlights here is the inconsistency in demanding that someone answer for a crime while avoiding calling yourself to answer for the ways in which you might have but did not prevent that same crime. The moral wrongness of the present action speaks of the

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11 Watson (1987), pg. 133.
12 Watson (2015), pg. 182.
character of the agent, but it simultaneously acts as evidence of the way in which *we* have failed. In making salient the context of the person’s past and its contribution to her present action you also thereby make salient the history in which we all could have intervened to prevent the course of history being such that it lead to the present action.

In the case of the US Government and the crimes committed by members of marginalized populations, Watson suggests that complicity may be too strong a word, since “the state is not in general related to the crimes of the dispossessed literally as accomplice or accessory, aider or abettor” and suggests the alternative “contributory fault.” This may also be the case with our relationship to trauma survivors. So I’m not wedded to the language of complicity but use it to describe the sort of explanation for diminished standing that I think we ought to adopt, one which bears some resemblance to complicity-related explanations of undermined standing to blame.

I want to end with an especially powerful quote of Watson’s regarding what he sees as an underexplored dimension of the justice of criminal conviction. He writes,

> We do these children wrong to affect their formative lives so adversely that they come both to have reasons to commit crimes and to see little reason not to. **To be sure, as adults, they ‘have a choice’; they are moral agents. But so have we, collectively, had choices.** The justice of criminal conviction is not only a function of the culpability of defendants but also of the moral authority of those who administer it.14

As I have argued, so too with the justice of our blaming practices.

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13 Watson (2015), pg. 179.
14 Watson (2015), pg. 184, emphasis mine.
Bibliography


