

ARE THEY TO BLAME? AN EXAMINATION OF THE MORAL RESPONSIBILITY OF
CURRENT AND FORMER CHILD SOLDIERS

by

JESSICA TAIT SUTHERLAND

A thesis submitted to the University of Birmingham for the degree of
DOCTOR OF PHILOSOPHY

Department of Philosophy

School of Philosophy, Theology and Religion

College of Arts and Law

University of Birmingham

August 2023

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Abstract

This thesis examines to what extent the experiences of child soldiers undermine moral responsibility. I combine philosophical and psychological research to assess the moral responsibility of child soldiers, with a particular focus on how trauma and conflict exposure affect psychological complexity and moral competency. Current legal discussions adopt a view of the moral responsibility of child soldiers as wholly diminished – they are ‘victims’ not ‘perpetrators’ (United Nations, 2017b). My project argues these concepts need not be mutually exclusive. Child soldiers can possess a dual victim-perpetrator nature because there are grounds for attributing a degree of moral responsibility to them.

Though child soldiers are victims of many responsibility-diminishing conditions, it does not follow that their moral responsibility is completely extinguished. I explore whether they can be exempt from their moral responsibility because they lack psychological complexity, or moral competency, or excused because of ignorance, force, coercion, duress, or manipulation. I argue that these conditions may not always apply to child soldiers. We should therefore see child soldiers as both victims and perpetrators since they do possess a degree of moral responsibility. I then use this account of the moral responsibility of child soldiers to assess how they should be treated in war, in particular, I argue that child soldiers should be offered special protection as responsibility-diminished combatants.

Acknowledgments

I would like to express my deepest appreciation to Jussi Suikkanen and Lisa Bortolotti for the countless discussions which made this thesis possible. I would also like to thank Victor Tadros and Ozlem Ulgen for their comments on some of the chapters of this thesis. Additionally, this endeavour would not have been possible without the generous support from AHRC Midlands4Cities DTP, who funded my research.

Thank you to my peers, colleagues, and most importantly, friends in the Department of Philosophy for reading early drafts, providing thoughtful comments on presentations of my work, and for fruitful discussions over a beer or two. Thank you to all of the wonderful women involved in the Women in Philosophy group at the University of Birmingham for their friendship and support throughout this journey.

Thank you to my friends for always being a welcome distraction from the trials of writing and researching. You've been my cheerleaders.

Most importantly, thank you to my family for their unwavering support, love, and encouragement. To my mum and dad, thank you for always making me do my homework at the kitchen table on a Sunday growing up. You taught me what it means to work hard for what you want to achieve and never let me give up. To my sister, Lauren, thank you for always supporting me on this strange journey and laughing with me along the way.

And of course, a final thank you to my four-legged co-authors Digby and Jake for always (*always!*) being by my side.

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1. Introduction

In the wake of the judgment to strip Shamima Begum of her citizenship, newspapers, tabloids, radio and TV programmes were awash with debate on her responsibility for joining and supporting ISIS (Foa, 2023). At 15 years old, Begum travelled with two friends from her home to Syria and is believed to have aligned herself with ISIL and married an ISIL fighter (Special Immigrations Appeals Commission, 2023, pp.2-3). Despite it being maintained that Begum was groomed and trafficked, public discourse around her has focused on whether she was morally responsible for her actions with many arguing that Begum is morally responsible for joining ISIL (Brady, 2023, Drury, 2023, Salisbury, 2023). Begum is therefore seen as a perpetrator, at least in public discourse. Many child soldiers themselves express feeling responsible for their roles in war during interviews or in their memoirs. Indeed, in a recent interview with the BBC Begum herself expressed remorse for her actions (Baker, 2023). Conversely, both legal discussions and NGOs adopt a view of the moral responsibility of child soldiers as wholly diminished – they are ‘victims’ not ‘perpetrators’ (United Nations, 2017b).

These two differing views create a conflict around the moral responsibility of child soldiers – they are seen either as victims (and therefore not morally responsible at all) or as perpetrators (and therefore entirely morally responsible). My thesis argues these concepts of victim and perpetrator need not be mutually exclusive. Child soldiers can possess a dual victim-perpetrator nature and correspondingly there are grounds for attributing a degree of moral responsibility to them. Though child soldiers are at least sometimes victims of many responsibility-diminishing conditions, such as coercion and trauma, it does not follow that their moral responsibility is completely extinguished in all cases. I will argue that exempting conditions such as lack of psychological complexity or moral competency, and excusing

conditions such as ignorance, manipulation and force which are typically used to argue that child soldiers are not morally responsible do not always apply. Most child soldiers therefore have a significant degree of responsibility, at least most of the time.

The standard approach to thinking about moral responsibility focuses on two key conditions – whether a person has freedom of choice and whether they know what their actions entail (Fischer and Ravizza, 1998, Rudy-Hiller, 2018). On this basis, it is usually concluded that child soldiers are wholly non-responsible as they lack both sufficient freedom and knowledge. Child soldiers are seen to lack freedom in that they may be coerced or forced to act in certain ways, for example, coerced into joining or manipulated or forced to commit atrocities. This, however, ignores the multiplicity of experiences child soldiers can have. I, therefore, defend in this thesis a dual victim-perpetrator view of child soldiers to better capture their experiences. This thesis therefore has two main arguments: (1) that all child soldiers are both victims and perpetrators, and (2) given their experiences some child soldiers are more responsible than others.

The structure of this thesis is as follows. In **Chapter 2** I introduce the stereotypes surrounding child soldiers, their status in international law, and current philosophical views concerning child soldiers. This chapter aims to break down stereotypes of child soldiers through discussion of various characteristics such as age, gender, geography, the role of child soldiers in combat or support positions, and whether they are recruited by state or non-state actors. I also discuss the guilt of former child soldiers and how they perceive their own moral responsibility.

In **Chapter 3**, I will sketch the current philosophical views of moral responsibility. I argue for a neo-Strawsonian conception of moral responsibility according to which moral

responsibility consists of being an appropriate object of reactive attitudes. I then discuss when reactive attitudes are appropriate, and both forward- and backward-looking approaches to moral responsibility. I also argue for a distinction between holding a person responsible, and the person being responsible, and outline the functions of blame. Exempting and excusing conditions of responsibility are also introduced.

In the second part of this thesis, I take these exempting and excusing conditions in turn. I discuss the current views surrounding why these conditions can diminish moral responsibility and outline why each of these exempting or excusing conditions may or may not apply to child soldiers. Within these discussions, I develop the victim-perpetrator model.

In **Chapter 4**, I discuss the psychological complexity (or lack) of moral agents, and child soldiers specifically. Through analysing the concept of an action ‘flowing from the real self’ in the Real Self debate specifically through the work of Frankfurt (1971, 1993) and Watson (1975), I argue for two conditions necessary for the relevant psychological complexity in a morally responsible agent; (1) the capacity to form desires on the basis of their real self, and (2) the capacity to intentionally act in the way they planned and resisting urges to the contrary. I then apply these conditions to two debates – the debate surrounding child development in general (and at what age the actions of children can be seen as truly their own), and the discussions surrounding the effects of trauma on child development (including emotional responses, dissociation, attachment, and cognition).

Chapter 5 discusses the notion of a lack of moral competency as a potential exempting condition. I begin by discussing the moral competency debate in philosophy and drawing out the conditions these accounts of moral competency all share. I then outline the historical debates in psychology about the age at which children develop different aspects of moral competency

(Boyden, 2003, Kohlberg, 1984, Piaget, 1932). This exempting condition of lacking moral competency arguably forms the basis of the victim model of child soldiers' moral responsibility which supposes that their age (under 18 in international law) deems them incompetent to make moral decisions in war. I also discuss three models of the effects of trauma on moral competency: the moral disengagement model, the PTSD model, and the moral injury model. I conclude that in general child soldiers can be seen as morally competent, at least to an extent.

In **Chapter 6**, I focus on ignorance as an excusing condition of moral responsibility. Ignorance conditions typically focus on unawareness of moral norms or other relevant information, and whether this unawareness can be attributed to the person (Zimmerman, 1997, Rosen, 2005). This discussion specifically focuses on *ignorance* of moral reasons and moral values, rather than an *incapacity* to understand moral reasons as the previous chapter does. I argue that there are specific moral reasons in war that, if not recognised, would mean a combatant was morally ignorant. Child soldiers however are generally able to recognise these reasons.

Chapter 7 focuses on the use of coercion, force, duress and manipulation in the recruitment, training, and use of child soldiers. I particularly focus on the use, or threat of, physical violence to incite fear, and the use of drugs and alcohol in militias to create dependency of the children on their recruiters. I also argue the personal history of child soldiers, particularly the way they were recruited, may diminish their moral responsibility. However, due to the heterogeneous nature of child soldiers' experiences, these excusing conditions may not always apply in the way the victim model seems to suggest.

The final chapter of this thesis, **Chapter 8**, applies the victim-perpetrator model to the treatment of child soldiers in war. Focusing on the way child soldiers should be treated in war

by other combatants I discuss whether their moral responsibility status has any bearing on their liability to be killed. I argue that given their dual victim-perpetrator status, child soldiers should be given special protection in war.

1.1 A Note on Methodology

Understanding the underlying moral reasons and considerations child soldiers, as with adult soldiers, have for their actions is difficult. However, testimonies taken from various reports and interviews can help to illuminate some of the ways in which child soldiers think about morality and moral reasons for or against actions.¹ This thesis draws on some of these testimonies. It would be odd to discuss the moral responsibility status of a group of people and the moral reasons they may themselves consider without including their perspective.

Because of this, I believe a note on the limitations of testimonial evidence is warranted. The first limitation is that testimony is given after the fact. Because of this, the reasoning interviewees in these studies give for their actions may use post-hoc justification. In a study on the autobiographical memory of children and adolescents, Pasupathi and Wainryb (2010, p.742-743) found that children as young as 5 can include some interpretation in their descriptions, as opposed to simply fact-stating. This ability to explain their interpretations of their own and others' actions however is relatively undeveloped in children under the age of 12 (Pasupathi

¹ Some of the sources for the testimonies included within this thesis include a UNICEF (2003b) report on the voices of child soldiers, Ishmael Beah's (2007) memoir, and various interviews with child soldiers such as *The Voices of Girl Child Soldiers* series by Keairns (2003a;2003b;2003c) for the Quaker United Nations Office New York and Geneva.

and Wainryb, 2010, p.742-743). It may also be the case that, given the age differences between the child soldier when they acted in the ways they described, and the child soldier when they are being interviewed, they have developed the ability to recognise reasons since the situation happened. Finally, as is often cited as a worry when collecting these kinds of testimonies, there is a power imbalance between the child soldiers as interviewee, and the adult researcher as interviewer. As such, the interviewees may tailor their answers to what they believe the interviewer may want to hear (Simon, 2020). The same can be seen in the memoirs written by former child soldiers in that their text has been crafted for a generally Western audience (Hynd, 2021, p.80).

Nevertheless, I believe that testimony is a worthwhile source of evidence for the reasons these child soldiers performed the actions they did, albeit a limited one. Stacey Hynd (2021, p.77) makes an important claim about the testimony and memoirs of child soldiers. She argues that whilst the empirical facts they include may often be contested, their memoirs and testimony reveal affective, or emotional, truths (Hynd, 2021, p.77). As such, I believe that the testimonies used in this thesis point towards the reasons why these child soldiers acted in the way they did, even if the testimonies are not wholly reliable. Furthermore, we do not have access to the reasoning of child soldiers without using testimony. Because of this, testimony is one of the only tools we have in our attempt to understand the moral reasoning of child soldiers.

2. Child Soldiers

2.1 Introduction

In this chapter, I will outline who is classed as a child soldier, introduce some of their experiences, and discuss the dominant views of their moral responsibility from the perspective of NGOs, charitable organisations, and the media. This thesis focuses primarily on child soldiers in two kinds of army – state forces and irregular military (non-state armed groups). There is however an interesting contrast between how these two kinds of groups are regarded in both law and society in general. State-sanctioned forces have a monopoly over violence in their respective countries. Put simply, it is generally only state-sanctioned forces which are considered legal, and in many cases just – non-state armed groups are typically categorised as terrorist or guerrilla. Domestic laws make non-state armed groups criminal, but state forces legal. Whilst the stereotypical image of child soldiers, as I will discuss in the first half of this chapter, is usually of a child in an irregular military, child soldiers also fight in state forces. This chapter will therefore focus on child soldiers in both kinds of forces, their experiences, and the dominant view of their moral responsibility.

In §2.2 I will begin with a discussion of the stereotypical image of a child soldier portrayed through the media, literature, film, and charities. The elements of the stereotype will be categorised into age, gender, location, and the roles child soldiers undertake. From this, I will begin to dispel common myths about child soldiers and argue that we should discard definitions of child soldiering based on the previous stereotype and instead opt for more inclusive definitions such as the one proposed in the Cape Town Principles (UNICEF, 1997, p.12).

In §2.3 I will report some of the typical experiences many child soldiers have had. Since I will be adopting a broad definition of child soldiers, these experiences may not apply to all child soldiers or indeed capture all the experiences child soldiers can have. Nevertheless, this section is intended to represent some of the common experiences that are shared by many child soldiers globally. These kinds of experiences will lead the discussion of conditions that may excuse a child soldier's moral responsibility in Chapters 6 and 7. This will lead into §2.4 in which I will discuss the current state of international law surrounding the use of children in war. This will particularly focus on the Convention on the Rights of the Child, the Paris Principles, and the Optional Protocol.

In §2.5 I will begin to sketch out some of the key arguments for the dominant view of child soldiers as not morally responsible. This view argues that child soldiers are not morally responsible because they are victims of the adults who recruit them.² I will contrast this view with recent discussions of the moral responsibility of Shamima Begum which have been present in British media. Finally, in §2.6 I will contrast the victim view of child soldiers' moral responsibility with the guilt expressed by numerous child soldiers which suggests that they see themselves as perpetrators. I will focus on Krista K. Thomason's (2016a, 2016b) argument for the usefulness of the guilt some child soldiers feel. I will argue contra Thomason (2016a, 2016b), that whilst guilt may help in their rehabilitation, this does not mean that it is an appropriate reactive attitude. I will also begin to evaluate why this dichotomy between child

² I use the term recruit here very loosely. Whilst it is the case that some child soldiers join 'willingly', such as those who join the British army at 16, others may join to escape poverty or are forcibly recruited into guerrilla groups, militia, or even government armies (UNICEF, 2003, p.2). These kinds of recruitment and the extent to which the decision to join may be made under duress will be discussed in Chapter 7.

soldiers as either victims or perpetrators exists and allude to the potential of child soldiers possessing a dual victim-perpetrator status. This will then be the focus for the rest of the thesis.

2.2 Who is a Child soldier?

The notion of ‘child soldier’ is an inherent contradiction. We are talking about children whom we intuitively see as innocent, and yet they participate in combat – a violent endeavour. But childhoods around the world are nevertheless unfortunately tainted by war, with some children becoming involved in the fighting. When presented with the notion of a child soldier, the image of a young boy holding a gun is most often conjured up. However, in reality, child soldiering is much more diverse than this stereotype suggests.

In this section, I will unpick the various themes within this stereotype to dispel the myths it carries and give a broad and inclusive definition of child soldiers. In §2.2.1, I will first outline the stereotypical depiction of a child soldier shown through the media, literature, film, and some charities. I will use this description throughout the remaining section to dispel common myths about child soldiers. I will outline the variety of roles that child soldiers may have. I will also show that it is not only boys who are child soldiers and that as many as 50% of child soldiers are girls in some armed groups, even if their experiences may typically be different to that of boy child soldiers (Wessells, 2006, p.86). Finally, in this section, I will also discuss the age of child soldiers. I will then move on to the spread of child soldiering around the world and estimates on the number of children involved in armed conflict. In this section, I will outline who child soldiers are recruited by, such as state and non-state groups, and which countries are known to currently recruit child soldiers. In conclusion to this section in §2.2.2, I will settle

upon a definition based on that given in the Cape Town Principles (UNICEF, 1997, p.12) which will be used throughout this thesis. Having such an inclusive definition will allow for this thesis to capture the variety of experiences child soldiers have or have had.

2.2.1. *The Stereotype of Child Soldiers*

We tend to understand the notions of ‘child’ and ‘soldier’ very differently. The word ‘child’ is neutral in terms of gender, and typically below 18 years of age under the Straight 18 approach.³ The word ‘soldier’ refers to a plethora of skilled roles in both state armies or militia and rebel groups across the globe (Martins, 2013, p.650). However, as previously mentioned, when joined together as ‘child soldier’ the term threatens to become an oxymoron (Martins, 2013, p.650). In thinking about child soldiers, we are faced with the two notions that children are inherently innocent, and that war is inherently evil (Rosen, 2005, p.1).⁴ As Rosen (2005, p.1) states, “our emotional logic tells us, something is clearly and profoundly wrong when children are soldiers”.

³ The Straight 18 Approach is advanced in global human rights discourse (Lee, 2009, p.7). It states that, as defined in the Convention on the Rights of the Child, 18 is the threshold between childhood and adulthood. As Lee (2009, p.7) notes however, this only provides a legal basis for categorising those below 18 as child soldiers and therefore does not seem to address at what age people both locally and globally regard as an appropriate age for military participation.

⁴ Somewhat paradoxically, the term ‘soldier’ may also have positive connotations of the individual as a hero or freedom fighter serving their country, people, or a specific cause. This positive view of soldiers may also be further engrained in children themselves as they are given toy soldiers and toy guns to play with. I will argue throughout this thesis however that this positive connotation is not typically invoked when we think about *child* soldiers (although it is perhaps a trope in state-forces, particularly of those who have died in combat) largely due to their moral responsibility status.

It is this emotion that humanitarian organisations have historically used to call for an end to child soldiering and to hold the adults who recruit accountable (Rosen, 2005, p.1).

However, in understanding the term child soldier we not only reflect on the meaning of the words, but rather we also start to visualise what a child soldier looks like, who they are, and where they come from. Couple this with the images we see of child soldiers in the media, film and charitable organisations and a stereotype begins to emerge:

The stereotypical image of a child soldier is a dark-skinned boy in military fatigues holding an assault rifle. He is presumed to be African. Whether he is from Sierra Leone, South Sudan, or Somalia typically doesn't enter into the Western imagination.

(Thomason, 2016b, n.p)

Thomason's (2016b, n.p) description accurately captures this stereotype. Even a simple Google Image search produces thousands of photographs of young boys carrying guns - not only is a child soldier a child whose innocence has been taken, he is also "a dark-skinned boy" who carries a gun and fights in some 'far away' land. However, this stereotype does not accurately capture the true picture of who can be classed as child soldiers. The stereotype is especially unhelpful when we begin to understand how children all over the world can become involved in armed conflict. Moreover, it is not only unhelpful, but it can even be dangerous when we consider the breadth of child soldiering which is not captured under this narrow stereotype.

In this section, I will deconstruct this stereotype into four main characteristics: role, gender, age, and location. I will outline what the stereotype tells us about each of these

characteristics and contrast this with the reality of each. I will then outline a definition of the term child soldier which includes not only those children who fit the stereotype, but also those who do not.

Beginning with the roles that child soldiers can have, the stereotype is very limited and typically depicts frontline combat roles. Whilst it is true that many child soldiers are in frontline combat roles, others serve in auxiliary roles such as labourers, cooks, and spies (Wessells, 2006, p.6). In fact, whilst some child soldiers do participate in combatant roles, they are more often placed in support roles (Drumbl, 2012b, p.15). Whilst the image of a child wearing fatigues carrying an assault weapon is not wholly incorrect – this is the experience of some child soldiers – more often they may not be involved in fighting directly at all. I will return to this distinction between combatant and non-combatant roles in §2.2.2 where I will define child soldiering.

Girls' roles, however, may carry an extra burden. On top of both combatant and support roles, girls may also be forced into sexual slavery (Drumbl, 2012b, p.15). In considering the roles of child soldiers, it is important to appreciate that “up to 40% of them are girls” (United Nations, 2015, n.p). Wessells (2006, p.86) notes that between 1990 and 2003 “girls were part of fighting forces in thirty-eight countries”. This would be surprising if we were to endorse the stereotype of child soldiers as ‘young boys’. However, because of the diversity of roles child soldiers may take, including roles such as a ‘wife’ which only girls typically occupy, this becomes less surprising. It is important to remember that whilst the role of a ‘wife’ may be exclusively occupied *by* girls, it does not mean that girls *only* occupy these roles. Moreover, the sexual abuse and exploitation inflicted on children in these roles is not exclusive to these roles or indeed only to girls. The kinds of roles girl child soldiers play are just as diverse as their boy counterparts, but with the added threat of sexual violence (Wessells, 2006, p.86). I will return

to the specific experiences of girl child soldiers in §2.3. The important take away here is that the world of child soldiering includes girls in all kinds of combat and support roles.

Another aspect of the stereotype of child soldiers is their age. The Western notion of a child is usually between the ages of 5 and 18. Therefore, anyone under the age of 18 who is involved in armed conflict is presumably a child soldier. This is encapsulated in the Straight 18 approach which states that no under-18s should be involved in armed conflict and that the actions they commit they are not responsible for (Rosen, 2005, p.3). However, this view of childhood as extending to 18 years of age is not necessarily shared throughout the world, or indeed throughout history. Moreover, the typical image of a child soldier is usually much younger than 18.⁵ It is also important to note that many adults who are currently serving in armed forces or groups may have been recruited as children (Drumbl, 2012b, p.1). The recent conviction of Dominic Ongwen in the International Criminal Court is a good example of this.⁶ On May 6th 2021, Dominic Ongwen – a former Lord’s Resistance Army (LRA) Commander in Northern Uganda – was sentenced to 25 years imprisonment for a total of 61 war crimes and crimes against humanity, including the recruitment of child soldiers (International Criminal Court, 2022, n.p). As part of Ongwen’s defence, his history of abduction and recruitment into the LRA was used as evidence (International Criminal Court, 2019, pp.4-6).

⁵ I believe that, especially for those in Britain, this image of a young child soldier is even more pertinent when we consider that our own army recruits soldiers (although not into front-line roles) at the age of 16 years old, with applications allowed to begin at 15 years and 7 months (Ministry of Defence, 2020, n.p.).

⁶ For more information on the case please see *The Prosecutor v. Dominic Ongwen* (ICC-02/04-01/15).

In the context of this thesis, it is thus important to recognise the experiences of former child soldiers who continue to participate in war after the age of 18. There are implications on how we understand the moral responsibility of adults who grew up in militarized contexts which fall out of discussions of the moral responsibility of child soldiers. For example, if it is concluded that child soldiers are indeed not morally responsible, this surely influences how we view the moral responsibility of over 18s who were previously child soldiers. Estimates on the number of child soldiers who continue through into adulthood have not been made, but case studies can go some way in showing the experiences former child soldiers have.

Given the illegal nature of the use of children in non-state groups, as I will explore further in §2.4, it is difficult to estimate the number of children associated with armed groups or forces. Save the Children estimates that every day “some 5000 children are newly displaced due to conflict somewhere in the world” with a number of these becoming separated from their families and recruited into armed forces (Lorey, 2001, p.v). Moreover, according to UNICEF (2021, n.p) “between 2005 and 2020, more than 93,000 children were verified as recruited and used by parties to conflict, although the actual number of cases is believed to be much higher”.

Some estimates from particular conflicts exist. Child Soldiers International (2018, p.4) reports that “14,000 children [have been] recruited into armed groups in Central African Republic since the latest conflict started six years ago”, “19,000 children [have been] recruited by armed forces and armed groups in South Sudan over the past four years”, and that there are “203 reports of children being used as ‘suicide bombers’ by Boko Haram in Cameroon and Nigeria in 2017”.

Using data from The World Factbook, *Figure 1* shows state forces who recruit from the age of 16 or under (CIA, 2022, n.p).

Figure 1



The number of states that recruit child soldiers jumps from the 16 states in *Figure 1* to at least 46 states when identifying states who recruit under 18s into their armed forces (The Roméo Dallaire Child Soldiers Initiative, 2020, n.p, CIA, 2022, n.p). This equates to nearly a quarter of all countries in the world recruiting children into their armed forces.⁷ There have also been “at least 18 conflict situations in which children have participated in hostilities since 2016” (The Roméo Dallaire Child Soldiers Initiative, 2020, n.p).

Statistics such as these show just how common the use of child soldiers is, and with 240 million children living in “countries affected by ongoing conflict”, it does not seem likely that children’s involvement in armed conflict will end any time soon (Child Soldiers International, 2018, p.4). Furthermore, whilst we have seen an increase in recent years in the number of

⁷ Based on 195 countries including 193 member states of the United Nations, and 2 non-member observer states. For information on member states see United Nations (2023a), and information on non-member observe states see United Nations (2023b).

children who are demobilized, their return to ‘normal life’ is not always easy (Drumbl, 2012b, p.1).

2.2.2. Defining Child Soldiering

The variety of roles child soldiers can take, their gender and their age only go to show how misled the stereotype of child soldiers is. When defining the term child soldier then we must be careful to not rely on this stereotype. The Cape Town Principles (UNICEF, 1997, p.12), which have been widely accepted by international organisations such as UNICEF and the World Bank define child soldiers as follows:

...any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and for forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms.

(UNICEF, 1997, p.12)

This definition recognises the variety of experiences child soldiers can have in a way that the dominant stereotype does not. Using an inclusive definition within international law, at least in theory, allows for any children who are associated with armed groups or forces access to DDR programmes and the support they need to reintegrate into society. For this thesis specifically, this is important as in order to capture the current views on the moral responsibility

of child soldiers it is imperative that I can compare the ways child soldiers are perceived according to their different characteristics and experiences. For example, it seems that we attribute moral responsibility to an under-18 employed in the British Army who voluntarily joined but perhaps not to an under-18 in Somalia who was abducted and forced to fight.⁸

Similar, broad definitions have been given in various other contexts in international human rights and humanitarian law in order to ensure that children involved in war “are given the broadest possible protection” (UNICEF, 2003b, p.14). But this diversity in children who are captured within the term ‘child soldiers’ may also pose problems. For example, is it right or even desirable to group children who served for only a few days or weeks as labourers and cooks with others who fought, most probably killed, and became ingrained in the military ethos (Wessells, 2006, p.6)? Moreover, are children who are recruited at the age of 16 into armed forces, but subsequently do not engage in hostilities until they are 18, child soldiers? Because of this, the label “*children (or minors) associated with fighting forces (CAFF)*” is sometimes preferred (Wessells, 2006, p.6). However, as Wessells (2006, pp.6-7) notes, this itself can come with challenges as it may deny children in auxiliary roles access to DDR programmes that are given to those in combatant roles. What is important to note when defining who is a child soldier however is that by excluding children who are involved in armed groups in roles other than combatant roles from the definition of ‘child soldier’, this can exclude them from the protection

⁸ There are many differences between these two kinds of child soldiers which may be relevant to how their moral responsibility is perceived, including the voluntariness of their joining, the legality of the force they have joined, or the legitimacy of the cause they are fighting for.

and support such a term can give them. I will return to the notion of protection of child soldiers in international law in §2.4.

As shown above, discussions in the fields of international law dominate the defining of the term ‘child soldiers’ with almost all definitions following the one proposed by UNICEF (1997, p.12). Whilst this definition is practically useful in its inclusivity, it poses two problems philosophically when we attempt to move straight from this definition of child soldiers to a discussion of their moral responsibility.⁹ The first is that by including children between the ages of 5 to 18 within the same group may suggest that children at either end of the age range have the same levels of moral competency, an important aspect of moral responsibility I will discuss in Chapter 5. As will become even more apparent in Chapter 5, when we consider the necessary skills and competencies needed for moral decision-making in children, these are typically developed in different stages before the age of 18. It is therefore important to consider how at different stages of moral development (and therefore at different ages) a child may be more or less morally responsible for their actions.

Furthermore, there is a distinction between children who are recruited into combat roles and those who are recruited into auxiliary roles. I believe this distinction is important since the actions generally associated with these two types of roles are vastly different. As such, whilst we may hold a child soldier in a combat role to the same level of moral responsibility as their counterpart (for example because they are the same age and were recruited in the same way) in an auxiliary role, the actions they are morally responsible for are different. As such, it may not

⁹ Inclusivity is particularly important when we consider justice for child soldiers themselves. I will return to this notion in §2.4.1 and §2.4.2 on international law, policies, and best practices.

always be appropriate to treat both groups in the same way – for example, DDR initiatives that are appropriate for a former combat child soldier may not be relevant to a child who served in a support role. In the section that follows, I will outline some of the different experiences child soldiers may have. Whilst this section will not and cannot be exhaustive of all the experiences child soldiers can have, it will aim to provide a general overview of what child soldiers face.

2.3 Experiences of Child Soldiers

Throughout this thesis, I will draw upon the experiences of child soldiers and their testimonies of such experiences. As Keairns (2003a, p.2) identifies, “child soldiers cannot be treated as all having the same characteristics – even in the same conflict area”. Whilst of course, the experiences child soldiers may have are diverse, especially given the differences in experiences of child soldiers in state forces and non-state forces and combat versus non-combat roles, there are some common themes which are worthy of noting. In this section, I will outline three of these themes; recruitment, the experiences of girls, and their experiences after war.

2.3.1 Recruitment

The experiences of recruitment for child soldiers may either be voluntary or non-voluntary. Whilst I will focus on recruitment of child soldiers under force or duress in §7.2 and §7.4 respectively, it is important to note that recruitment into state forces is often voluntary. Moreover, as I will outline in §2.4.1, the Optional Protocol requires states to ensure that under 18s are not forcibly recruited into armed forces. In a report from War Child (2018), it was found

that the majority of child soldiers recruited into armed groups in the Democratic Republic of Congo joined voluntarily.

As I will outline in §7.4 however, even if recruitment is voluntary in the legal sense, children may often join the military to better their lives given the socio-economic circumstances they are living in. War Child (2018) describes these factors as push and pull factors – the factors that may push a child to join to escape their current situation, or ‘pull’ (incentivise) joining because of the benefits of doing so. In an interview for Human Rights Watch (2015), one child described his decision to join opposition forces as it was safer than not doing so:

We can die too, like everyone else; it’s safer as a soldier. It is like a competition where do you run to, to be safe? You either die or kill your enemy. Everyone is treated the same way, whether young or old. – RH, 16 years old when he joined the opposition forces to protect himself from attack, January 2015.

(Human Rights Watch, 2015, p.1)

Other children interviewed suggested that conflict had hindered their chance of receiving an education, and so they had been drawn into fighting (Human Rights Watch, 2015, p.52).

Whilst reports suggest that the recruitment of children in state armed forces is decreasing, these same reports also note that recruitment by non-state actors has increased in recent years (Kamøy et al., 2021, p.2, Seepersad, 2023, p.5). A report from the International Committee of the Red Cross (2012, p.4) suggests that child soldiers are often recruited because “they are easily manipulated, are not fully aware of the dangers and have undeveloped notions

of right and wrong”. This of course relies on the dominant view of child soldiers as not morally responsible. In research for the Ford Institute for Human Security, Andivg and Gates (2007, pp.4-8) attempt to dispel the myth that children are recruited because they are more fearless, loyal and obedient.¹⁰ Regardless of the truth of this claim, this perception of children as easily manipulated, less risk averse than adults, and more compliant may well drive their recruitment.

2.3.2 *Girls*

As outlined in §2.2.1, the experiences of girl child soldiers often follow those of their boy counterparts, but with the added threat of sexual violence. However, as Wessells (2006, pp.86-88) notes, whilst sexual violence is a common theme among the experiences of women and girls in war, we should avoid defining their experiences by this alone. Girl child soldiers often carry out the same roles as boy child soldiers for example. Girls may also be recruited as their perceived innocence allows them to more easily cross borders, or become informants (Varma, 2018, n.p). For example, girl child soldiers were used in suicide attacks by Boko Haram (UNICEF, 2017, n.p).

As outlined in §2.3.1, children may also join armed groups to seek protection and/or security. For example, a lack of educational opportunities may push girls into child soldiering, particularly for those in extremely patriarchal societies (Varma, 2018, n.p). Girl child soldiers

¹⁰ I will also attempt to dispel these myths when discussing whether children are sufficiently morally competent to be considered morally responsible in Chapter 5, and whether they are morally ignorant in Chapter 6.

may also be escaping violence from these patriarchal societies. Punitha, a girl child soldier in Sri Lanka, describes her decision to join:

I was older when I made that sudden decision to run away. It was not because I wanted to join the movement to fight, I wanted to get away from the marriage my parents were planning to force me into. I really got disturbed, they were forcing me.

(Keairns, 2003b, p.38; cited in Wessells, 2006, p. 90)

Testimony such as this highlight some interesting aspects of moral responsibility which may go against the stereotype of child soldiers as wholly victims. For example, there seems to be an element of personal choice in Punitha's decision to join, but there is also of course some suggestion of coercion (her parents forced her) or duress. I will return to these excusing conditions of moral responsibility in §7.3 and §7.4 respectively.

On a final point about the specific experiences of girl child soldiers, as I will outline in §2.3.3, child soldiers are sometimes enrolled in Disarmament, Demobilization, and Reintegration (DDR) programmes. Varma (2018, n.p) notes however that only around 5% of girl soldiers enrol in these programmes, possibly due to the stigma associated with attending. There is also perhaps even more stigma attached to girls who are former child soldiers, and they oftentimes find it more difficult to reintegrate back into their communities. For example, Varma (2018, n.p) details the experiences of Grace who returned to her community with children but faced discrimination because of her perceived "violent character". Recent work from the UNICEF (2022) and Save the Children (Edwards et al., 2020) attempts to analyse these gendered differences to better support girls involved in armed conflict. Whilst the space

constraints of this thesis do not allow me to delve into the differences in experiences of girl and boy child soldiers, I believe it is imperative to note that there are gendered aspects to the experiences of child soldiers.

2.3.3 Post-Participation

As alluded to in the previous section, after conflict children may join DDR programmes and attempt to re-join their communities. Official release processes often bestow benefits onto former child soldiers. For example, between 2013 and 2015 in South Sudan UNICEF and other organisations provided housing, food, basic items such as bedding, and psychosocial support to children who participated through official channels (Human Rights Watch, 2015, p.59). Despite these DDR programmes being praised for their success in preventing re-recruitment, they are also often criticised for being too slow (Human Rights Watch, 2015, p.59). Moreover, DDR programmes often do not consult the children affected to understand what would be beneficial to them (McMullin, 2022). McMullin (2022) argues that for DDR programmes to be most effective, they should recognise the children's agency and allow them to actively participate in decision-making. I will return to these discussions of the implications of understanding child soldiers as non-responsible when assisting their rehabilitation and reintegration into society in §2.6 when discussing whether their feelings of guilt are rational.

2.4 The Law

International criminal law surrounding child soldiering was very limited before the 1990s when the ban on recruiting children was developed (Webster, 2007, p.227). Following the implementation of the Convention on the Rights of the Child (CRC) in 1990, there have been numerous developments in international legal framework including the 1997 Cape Town principles, the 1998 Rome Statute of the International Criminal Court, and the 2002 Optional Protocol to the CRC (OP) (Webster, 2007, p.228). It is important to note that laws surrounding child soldiering almost exclusively focus on the actions of their recruiters rather than the actions of the children themselves. Children (under 18s) therefore cannot be tried for their actions in war and are generally considered not legally responsible as I will explain in the next section.¹¹

In this section, I will outline how international law has changed, what the current state of laws surrounding child soldiering and child criminal responsibility in general are, and what effect this has had on child soldiering since its implementation. In §2.4.1 I will examine these advances in criminalising the recruitment of child soldiers from the creation of the CRC in 1990 to the current state of international law. In §2.4.2 I will outline policies and best practices which have been developed from international law. This discussion will include the Machel Report of 1996, the Cape Town Principles, and the Paris Commitments and Principles.

¹¹ It is important to note that criminal responsibility – which is captured by international law – is different to moral responsibility. For example, there may be cases where an agent is morally responsible but not criminally responsible or vice versa. However, this is not to say that there is no connection between criminal and moral responsibility – after all, law is an attempt to capture morality even if it is not perfect.

2.4.1 *Developments in International Law*

The Additional Protocols to the Geneva Conventions (Additional Protocols (I) and (II)) of 1977 were the initial step in criminalising the recruitment of child soldiers and protecting children in conflict. Whilst Webster (2007, p.236) describes this provision as “vaguely worded” and weak, he does note that this was a significant first step. Additional Protocol (I) states that:

The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the Parties to the conflict shall endeavour to give priority to those who are oldest.

Additional Protocol (I) to the Geneva Conventions, Art 77(2)

(International Committee of the Red Cross, 1977)

Article 77(2) categorises child soldiers into two different groups with different requirements on recruiters for each age – those below 15 years of age, and those between 15 and 18. Those below 15 cannot be recruited into roles that are directly involved in hostilities, whereas those between 15 and 18 should not be a priority to be recruited. Webster (2007, pp.236-237) notes that this distinction between under 15’s and 15-18-year-olds exists as a compromise between nations who were committed to recruiting under 18’s as they argued that they “were better prepared to engage in combat than older men” (such as Canada, West Germany, and the United Kingdom), and those (such as Brazil, Uruguay and Venezuela) who

advocated for 18 as the minimum age of recruitment. This distinction has remained within international law surrounding child soldiers to the present day.

Whilst this was the first step in criminalising the recruitment of child soldiers, Webster (2007, p.236) correctly asserts that the obligations it sets out are relatively weak. The wording - “all feasible measures” and “endeavour” – does not create a strong obligation for armed forces to not recruit under 15s or for under 18s to not be prioritised in recruitment (Webster, 2007, p.236).

The Additional Protocol (1) to the Geneva Conventions (Art 77 (3)) even foresees that children under 15 will take part in hostilities and extends special protections to them (Webster, 2007, p.237). These protections include being detained separately from adults (International Committee of the Red Cross, 1977, Art 77(4)). The existence of these special protections is important particularly when we consider that international law surrounding child soldiers aims to protect children rather than criminalise their actions. As Webster (2007, p.237) points out, the presence of special protections such as these is far more preferable than if they were not provided – providing laws to protect children even if the original law has been violated is an important step in protecting them from further atrocities. Despite the vagueness of the Additional Protocols, they were imperative in kickstarting the discussion surrounding child soldiers in international law and laying a foundation for further developments.

The next development came with the conception and ratification of the 1989 UN Convention on the Rights of the Child (CRC). Webster (2007, pp.237-238) notes this was “the most quickly and widely ratified international treaty in history” as it entered into force within a year and was accepted globally in a decade. In fact, the US are now the only United Nations member state to have not ratified the CRC (United Nations, 2020, n.p). Article 38 focuses on

child soldiering and essentially mirrors the previous additional protocols. In doing so, it solidified the distinction between under 15s and 15-18-year-olds. Again, the wording of the CRC is notably weak, using terms such as “all feasible measures”:

- (1) States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
- (2) States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
- (3) States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
- (4) In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

(UNCRC, 1989, Art 38)

Much like at the inception of the Additional Protocols, there were calls from some countries (for example, Venezuela and Sweden) for an increased age limit of 18. However, this again was met with opposition from countries such as the UK, the US and the USSR (Webster,

2007, p.238). Article 38 of the CRC therefore simply strengthened the notions within the Additional Protocols without adding more stringent duties towards potential child soldiers.

The Rome Statute of 1998, however, did create more stringent duties. In addition to creating the International Criminal Court (ICC), when it entered into force in 2002 the Rome Statute made “conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.” a war crime (International Criminal Court, 1998, Art 8(2)(e)(vii)). The duty for States under this ban on both conscripting and enlisting is therefore stronger than previously under the additional protocols and CRC. As Webster (2007, pp.239-240) identifies, both active recruitment and “passively allowing” children to sign up were banned. Again, however, the age limit was set at 15 years of age. Thomas Lubanga Dyilo became the first person to be found guilty of the war crimes of enlisting and conscripting child soldiers in the ICC on 14 March 2012 (International Criminal Court, 2012, n.p). In this case, the ICC recognised two influential arguments which have set a precedent for future cases; (1) that a previously perceived distinction between voluntary and forced recruitment of children is artificial given that in a war context children have very few or limited options, and (2) that boys and girls who serve in support roles (including sexual slavery) should also be included under the definition of child soldiers so that they can also access justice (United Nations, 2012, n.p).¹²

¹² The distinction in (1) will be discussed further in §2.5 on how the dominant view perceives the moral responsibility of child soldiers. It is important to note here however that due to the variety of experiences of child soldiers, it may be the case, particularly in state recruitment, that children do make a genuine choice to enlist. In the same vein, however, it may also be the case that joining an armed force or group is one of the few options for survival for a child. Concerning the distinction in (2), whilst I support the distinction between auxiliary and combat roles when it comes to discussing the moral responsibility of child soldiers themselves (as outlined in §2.2.2), I

Most recently, Dominic Ongwen was found guilty of 61 crimes against humanity and war crimes including “the crime of conscripting children under the age of 15 into the Sinia brigade and using them to participate actively in hostilities” (International Criminal Court, 2021, n.p).¹³

Furthermore, and perhaps most importantly when discussing the responsibility (in this case the legal responsibility) of child soldiers themselves, children under 18 are exempt from prosecution in the ICC (Webster, 2007, p.239). Whilst this alone does not mean that child soldiers are not *morally responsible* for their actions, the decision not to punish child soldiers for their actions does at least mean that they are not necessarily held criminally accountable for their actions under international law. What this discussion aims to show is that current international law seems to include an underlying assumption that child soldiers are not responsible.

One of the most recent developments in international law surrounding child soldiers, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC), enhanced the safeguards for children in armed conflict (Webster, 2007, p.241). The OPAC was adopted by the General Assembly in 2000 and entered into force in 2002 (United Nations, 2019, n.p). The OPAC is a commitment that (1) states will not send recruited under 18s to combat, (2) states will not conscript under 18s, (3) states will take measures to prevent such recruitment, (4) states will demobilise any 18s who are directly

agree with the ICC’s decision to not make this distinction in court proceedings against those who enlist or conscript them – there is no relevant difference into what role a child has been recruited if they are involved in hostilities.

¹³ For more information on the case recall the discussion in chapter 1.

participating in hostilities and provide support to them, and (5) armed groups will not recruit under 18's into hostilities (United Nations, 2017a, n.p, United Nations, 2019, n.p). To boost support and to encourage countries to ratify the OPAC, in 2010 the UN Secretary-General launched a campaign, *Zero Under 18*, which at its end in 2012 had generated 21 new ratifications of the OPAC (United Nations, 2019, n.p). At present 170 countries have ratified the OPAC – there are 10 countries which have signed but not ratified, and 17 which have neither signed nor ratified the OPAC (United Nations, 2019, n.p).

Current international law surrounding child soldiering therefore essentially has two main arms. The first is that enlisting or conscripting under 15s is illegal and enlisting under 18s is highly discouraged although not banned if they are not directly involved in combat until the age of 18. Second, child soldiers themselves will not be prosecuted for any of their actions before the age of 18. In sum, international law holds those who recruit child soldiers responsible, and they will be prosecuted for the war crime, however, the child soldiers themselves will not be. In the next section, I will outline how international law has been built upon by policy and best practices in order to make the duties of States towards child soldiers even more stringent.

2.4.2 Policy and Best Practice

The Straight 18 approach, as introduced in §2.2.1, whilst being advocated for, is not entrenched in international law. However, there has been an increasing move, via reports and best practices, to shift international law towards banning under-18s from participating in hostilities both directly and indirectly (Drumbl, 2012b, pp.108-109). Drumbl (2012b, p.109) identifies the

Machel Report of 1996 as being imperative “in sensitizing the international community to the hazardous effects of violent conflict on children, including child soldiers”. Interestingly, the Machel Report describes child soldiers not only as victims but also perpetrators – this, however, is with the caveat that the atrocities they perpetrate are created through manipulation and coercion by their recruiters (Drumbl, 2012b, p.109). Importantly, Graça Machel (1996, Para. 242) recommended that child soldiers are not seen as victims, “but as key contributors in the planning and implementation of long-term solutions”. The Machel Report also includes a number of recommendations including appointing a special representative of the Secretary-General on children and armed conflict (Machel, 1996, United Nations, 2017a).

In 1997 the Cape Town Principles and Best Practices were established at a meeting of the NGO Working Group in the CRC and UNICEF (Drumbl, 2012b, p.110). There were three objectives of this meeting:

- (1) To raise the minimum age of recruitment to eighteen;
- (2) To discuss strategies and practices for the demobilisation and effective reintegration of child soldiers; and
- (3) To share knowledge gained by NGO’s various experiences in disarming children.

(Webster, 2007, p.244)

The resulting principles and best practices support raising the minimum age to 18 and call for the demobilisation and reintegration of soldiers under the age of 18 (Drumbl, 2012b, p.110). It is the second of these calls that the Cape Town Principles primarily focuses upon, and

the preventative measures and practices which resulted from these principles form the basis of many DDR programmes around the world.

As the subsequent Paris Principles themselves note, “the [Cape Town] Principles have obtained recognition well beyond this original group to become a key instrument to inform the development of international norms as well as shifts in policy at the national, regional, and international levels” (UNICEF, 2007b, prin. 1.2). The Paris Commitments and Principles were adopted as an update to the Cape Town Principles in 2007 – ten years on from the Cape Town Principles. Again, the Paris Commitments endorse the view that children under 18 who are recruited are primarily “victims of violations against international law” and should not be considered solely as perpetrators (UNICEF, 2007a, commit. 11). The Paris Commitments also echo the Cape Town Principles and the CRC in that child soldiers should not be included in judicial proceedings “where appropriate and desirable” and that whilst seeking truth and justice should be the goal, children should only be involved in this voluntarily (UNICEF, 2007a, commit. 12). The Paris Principles sum up this notion as former child soldiers “being owed many obligations”, but posits them as owing very few (Drumbl, 2012b, p.114). The Paris Principles and Commitments therefore do not simply reinforce the main ideas within international law, but instead stretch these basic principles further to extend protections and support to states and child soldiers themselves in order to end child soldiering. Overall, then, whilst international law provides the basis for these two main principles – (1) that no one under 18 should be directly involved in hostilities, and (2) that child soldiers are primarily victims - it is the policy and best practices that have been laid out since which advocate for the Straight 18 approach.

2.5 Dominant Views on Moral Responsibility

So far, I have outlined who should be classed as a child soldier, their experiences, and the law surrounding child soldiering. These discussions however, particularly in law, have an undertone of child soldiers being regarded merely as victims of the adults who recruit, train, and command them. Because of this, discussions around the moral responsibility of child soldiers have traditionally only seen child soldiers as not morally responsible, and in some cases not even capable of being morally responsible for their actions.

In this section I will outline what I believe to be the two different ways the dominant view argues that child soldiers are not morally responsible; either (1) they do not possess the capacities to be a moral agent and therefore lack moral responsibility for any of their actions, or (2) there are excusing conditions which diminish their moral responsibility in this particular situation of conflict and/or displacement.¹⁴ I will unpack the implications of international law (as shown in the previous section) and the work of charities. I will focus on each of these questions of child soldiers' moral responsibility in turn. These discussions will also be further discussed in chapters 4-7.

Although children may come forward to join an armed group without conscription or press-ganging, this type of recruitment is rarely truly voluntary. Children may have no other option for survival in a conflict where they have lost family members or access to other forms of protection. Finally,

¹⁴ This is a distinction between conditions that exempt someone from being morally responsible and conditions that excuse moral responsibility. I will explore this in more detail in Chapter 3 and rely on this distinction throughout this thesis.

children do not yet have the cognitive developmental skills to fully assess risks and choices that they may make under these conditions.

(Lorey, 2001, p.17)

The statement above from Save the Children (Lorey, 2001, p.17) sums up both of these arguments in the dominant view in the context of recruitment. I will divide this quote into two sections to show just how the dominant view makes these arguments. Taking the second part of the statement - “children do not yet have the cognitive developmental skills to fully assess risks and choices that they may make under these conditions.” – this very clearly argues for (1) that child soldiers do not have the required capacities to be morally responsible (Lorey, 2001, p.17).¹⁵ As I will argue in Chapter 4, a person must possess a certain level of psychological complexity in order to be a morally responsible agent. If a person lacks the skills needed to make genuine choices (in this case because they have not yet formed these cognitive skills) then they cannot be morally responsible for these choices. What is important for this section, however, is that the dominant view regularly uses this first argument to express the view that child soldiers are not morally responsible.

Returning to the first part of the quote, Save the Children (Lorey, 2001, p.17) state that it is likely that the circumstances the child finds themselves in also mean that they do not have

¹⁵ I argue in Chapters 4 and 5 for the plausibility of a staggered approach to the psychological complexity and moral competency needed for moral responsibility in general. Thus, I take this statement to suggest that Save the Children are arguing that whilst child soldiers may not have the capacities necessary to make the complex decisions necessary in warfare. This does not mean however that children have no decision-making capacities and that these capacities do not give them a level of moral responsibility. For example, a child (dependent on age and cognitive capacities of course) may be able to make short-term decisions (what to eat for breakfast for example) as they have limited psychological complexity and moral competency needed for these choices, but they do not have the required levels to make more complex decisions.

a genuine choice – their best, and arguably only option for survival (including food and relative protection) is to join the armed group.¹⁶ This embodies the second of the arguments of the dominant view; the situation the child soldier finds themselves in means that their wrongdoing can be excused. This is a slightly different argument than (1) as it is not that the child does not possess the right capacities to be a morally responsible agent but rather the circumstances excuse their actions and so they are not morally responsible only in this situation. I will now focus on each of these arguments in turn using typical cases which are often evoked by the defenders of the dominant view.

2.5.1 Psychological Complexity and Moral Competency

The dominant view of the moral responsibility of child soldiers usually focuses on the vulnerabilities of children in general to show that they lack the capacity to make informed decisions (Van Engeland, 2019, p.185). This usually relies on the Convention on the Rights of the Child and the Optional Protocol as outlined in the previous section, and also the capacities for moral and psychological judgments which may not yet have been fully developed in the child, in particular, because of the circumstances they have grown up in. I will discuss the moral and psychological development of children in general, for example at what age children learn what is right and wrong in rewards-based or wellbeing-based terms, in more detail in chapters 4 and 5. However, what is important for this section is the general idea that children who grow up surrounded by trauma and violence, such as war in the case of child soldiers, are uniquely

¹⁶ I will discuss recruitment under duress in more detail in §7.4.

affected in terms of their moral and psychological development. This is why it is often assumed that children who endure long-term exposure to violence and war may develop moral concepts differently from children who are not (Posada and Wainryb, 2008, p.883).

Posada and Wainryb (2008, pp.883-884) note that research has historically focused on the moral development of children and their moral judgements. However, to create a more complete picture of the psychological complexity of children influenced by war, we should also consider their psychological judgements (for example their expectations of how people are likely to act or feel in certain situations) (Posada and Wainryb, 2008, pp.883-884). Research into moral and psychological judgements in children affected by war is relatively limited. Posada and Wainryb (2008, p.885) conducted a study of 96 displaced Columbian children (mean age 7.7) and adolescents (mean age 14.6) to understand how their moral and psychological judgements compare to samples from the United States and other countries. Posada and Wainryb (2008, p.893) found that “war-affected children and adolescents display noticeable moral knowledge in spite of having been exposed to violence, poverty, and dislocation” which was in line with their US counterparts. However, their psychological judgements about how people would act in the same situations show that, whilst these children and adolescents expected people to steal or inflict harm in certain conditions, they nevertheless judged these actions as wrong (Posada and Wainryb, 2008, p.894). In terms of psychological judgements about how people would feel after stealing or inflicting harm they also judged that the victims would be sad, and the perpetrators would feel guilt or shame (Posada and Wainryb, 2008, p.894).

Interestingly, when these same acts were committed out of revenge, only a minority of these war-affected children and adolescents predicted that the perpetrators would feel guilt or

shame, and 33% predicted they would feel happy (Posada and Wainryb, 2008, p.894). What Posada and Wainryb's (2008, p.896) research shows therefore is that these children and adolescents have been affected by their long-term exposure to violence in the sense that "concerns with revenge coloured their expectations and moral judgements". Whilst they judge acts as wrong, if these same acts are committed out of revenge, they are more likely to predict that the perpetrator will be happy than children and adolescents who have not been as exposed to violence.

What is important to the dominant view is that children *de facto* cannot be held morally responsible if they do not have the necessary capacities to make good choices and risks, or if their moral and/or psychological judgements have been tainted by long-term exposure to violence. At what age children develop these capacities is up for debate, however. I will return to the psychological development of children in Chapter 4, and the moral development of children in Chapter 5.

2.5.2 *Ignorance*

Whilst children and adolescents may be affected by the situations they grow up in, their age can have obvious implications on their lack of knowledge. For example, children in general are typically more risk-taking and less knowledgeable about the consequences of their actions, and it is even the case that the psychological development needed to understand risk may not yet be properly developed (Singer, 2006, p.83). It is even because of this that many military groups recruit children – children are more likely to take risks which more informed adults would not (Singer, 2006, p.83).

Furthermore, children are uniquely affected by trauma, and prolonged exposure to stressful and violent situations can affect child development (Wainryb, 2011, p.283). As a result, children affected in this way, among other consequences, “tend to be less capable of regulating their own emotions” and are more prone to aggression (Wainryb, 2011, p.283). As a result of threats and coerced actions, child soldiers may become even more disposed to risk than they would have initially been. For the commanders of forces, militias and other military groups, this can play into their choice to recruit child soldiers in the first place – they are more likely to take risks and their actions are more violent than their adult counterparts (Singer, 2006, p.83). The dominant view therefore determines that because of the problems in their development, this may play further into their lack of knowledge about facts relevant to the situation, and moral norms.

2.5.3 *Coercion and Force*

Another reason that children are often recruited is that they are more easily manipulated than their adult counterparts. As I will argue in Chapter 3, an individual’s wrongdoing can be excused if (1) the action cannot be attributed to the person, and/or (2) the person cannot be held accountable for the action. This is what the second argument in the dominant view aims to show. The dominant view usually focuses on (2) as, at least causally, child soldiers do perform the relevant actions we are evaluating, and so they are attributable to the children even if they might not be accountable for those actions.¹⁷ Cases in which (1) can be shown are generally

¹⁷ The role of attributability in moral responsibility is a discussion I will return to in §3.2.1.

only when the individual has been physically forced and so whilst this could be the case for some actions of child soldiers, these cases are very limited as it is more often the threat of violence which moves child soldiers to act.¹⁸

In cases where child soldiers commit wrongdoing because they are either forced or coerced by those higher in the chain of command, the dominant view states that they have not chosen in any relevant sense to perform these actions. On force and coercion as excusing conditions, child soldiers are often forced to commit atrocities by their adult captors out of fear. Moreover, Save the Children (Lorey, 2001, pp.3-4) states that children in general are less of a threat to adult leadership and are more impressionable. They are therefore more likely to yield to their commanders' demands than their adult counterparts.

Wainryb (2011, p.286) details the threats which two former child soldiers, M-6, and F-11, believe constrained their moral agency. For example, even when F-11 did not want to kill another child she knew and resisted for two days, the threats were so severe that she conceded and killed him (Wainryb, 2011, p.286). Furthermore, it may not even be that specific threats are made against child soldiers, but simply that the acts and 'punishments' around them are enough for them to succumb to the demands of authority. Since child soldiers may be forcibly recruited, for example through kidnapping, the threat of violence exists from the beginning (Denov and Ricard-Guay, 2013, p.477). The dominant view suggests that the psychological power coercion has (especially on a child) is sufficient to be seen as an excusing condition – they are not accountable for their actions as they did not have a relevant choice other than to act in this way.

¹⁸ For a deeper discussion of physical force see §7.2.

As such, child soldiers in cases similar to these are victims of the threats their adult commanders give and are therefore not morally responsible for their actions.

2.5.4 *Duress and Manipulation*

Similarly, in cases where drugs and alcohol are used to intoxicate child soldiers, and therefore make them less risk-averse and susceptible to commands, the dominant view states that the child soldiers' actions are not ones they would have chosen. Often, although not always, recruited children in guerrilla groups or militia are given or forced to use drugs and alcohol. "Brown-brown", a mix of heroin and gunpowder, was frequently sewn into the bodies of child soldiers in Sierra Leone to intoxicate them (Thomason, 2016a, p.118).

This is where they would cut and put the "brown-brown". [He shows a raised Welt on his left pectoral.] We would then inhale cocaine. During operations, I sometimes would take it two or three times a day. I felt strong and powerful. I felt no fear.

Z, Aged 14.

(Singer, 2006, pp.82-83)

Through the forced use of drugs and alcohol, it is clear that child soldiers under these conditions cannot be held fully responsible for their actions. As Z's testimony shows, drugs would be regularly used to distort their thinking typically making them less risk-averse or even disorientated and compliant with demands. As already mentioned, this is why forced drug use is common; since the children are no longer fully in control, they can be manipulated into

carrying out the demands of those in authority. Such forced drug use can also lead to ignorance – the intoxicated children are not fully aware of the situations they are in.¹⁹ Again then, whilst the action can be attributed to the child soldier in question, the drug use may make them not accountable for it.

Children are also more susceptible to resocialisation, or colloquially termed brainwashing, techniques (Drumbl, 2012b, p.81). This is often under the guise of training and includes “physical, technical and ideological” elements (Denov, 2010, p.98). This training is in practice very similar to the training given to adult recruits in many military groups and armed forces. In particular, a popular strategy used aims to rationalise violent or aggressive behaviour by “reconstructing” the meaning of the behaviour – ‘you are fighting for freedom’ for example – or the nature of the target – ‘they are an infidel’ (Wainryb, 2011, p.276). This reconstructing technique is a cognitive change and essentially legitimises harmful behaviour, or even reconstructs it in a way that is honourable or ethical, and/or dehumanises the victim (Wainryb, 2011, p.276). Children in particular seem to be vulnerable to these kinds of techniques as a former British soldier explains:

If I’d been older, perhaps the training wouldn’t have affected me mentally in the way it did. But as a child, I accepted it entirely.

Wayne Sharrocks

Joined the British Army aged 17.

¹⁹ For more on drug use and manipulation see §7.5.

(Hill, 2016, n.p)

The resocialization of children into child soldiers is seen as an excusing condition for moral responsibility under the dominant view because child soldiers come to hold beliefs they would not have held if they had not been indoctrinated, trained, or manipulated.

2.5.5 *Conclusion*

Overall, the dominant view aims to show that child soldiers are victims and therefore not morally responsible for their actions because they are either not moral agents in the first place because of their age, or because their situation provides excusing conditions for their behaviour. In the next section, I will begin to contrast this view with how child soldiers themselves understand their moral responsibility through an exploration of Thomason's (2016a, 2016b) argument surrounding their guilt. I will return to these arguments for child soldiers' lack of moral responsibility throughout the remainder of this thesis.

2.6 Guilt and Child Soldiers

Presenting current and former child soldiers as victims is useful to charities and NGOs working to rehabilitate children and allow them to lead a normal life post-conflict in raising awareness and funds (Drumbl, 2012b, pp.6-7). However, in only seeing child soldiers as victims, the way child soldiers themselves understand their moral responsibility is ignored. Thomason (2016a) argues that many former child soldiers feel guilty about their previous actions and that this may play an important role, not only in understanding their moral responsibility, but also in their

rehabilitation after war. In this section, I will outline Thomason's (2016a) argument for the importance of recognising child soldiers' feelings about their actions. I will argue that whilst Thomason (2016a) succeeds in showing the role guilt can play in the rehabilitation of child soldiers, this does not mean that they ought to feel it.

Thomason (2016a) argues that the guilt expressed by child soldiers has two functions. The first is self-blame – they blame themselves for the actions they committed even if they were coerced. This is the function of guilt which DDR programmes aim to eradicate. The second function is as a marker that child soldiers are beginning to recognise themselves and their victims as agents within a moral community who can *do* wrong and *be* wronged, but who also can forgive and be forgiven. It is this second function that Thomason (2016a, p.125) suggests should be harnessed rather than repressed as acknowledging their feelings of guilt can lead to the child soldier eventually forgiving themselves for the acts they committed out of fear or coercion.

When you kill for the first time, automatically, you change... Out of being innocent, you've now become guilty. You feel like you're becoming part of them, part of the rebels.

Norman Okello

Former LRA child soldier

(Storr, 2014, n.p)

Testimonies from former child soldiers often express feelings of guilt, remorse or shame for the things they have done (Thomason, 2016a, p.116). At least at face value the fact that child soldiers feel guilt suggests that they themselves think they have done something wrong since this is a reactive attitude we expect those who are morally responsible for wrongdoing to

hold. Thomason (2016a, p.119) notes that we generally believe control over our “actions is a precondition of feeling guilt”.²⁰

However, as explored in the previous section, the dominant view typically perceives child soldiers as victims – it proposes that the acts they have committed are in no way their fault. DDR programmes are generally considered successful and an imperative part of restoring security and peace after war (Denov and Ricard-Guay, 2013, p.480). However, these programmes rely on the victim model of child soldiers and dismiss the feelings of guilt, shame and remorse testimonies generally uncover. As such, those who go through DDR programmes often hear the same repeated message of ‘it wasn’t your fault’ (Beah, 2007, p.160, Storr, 2014, n.p). On the one hand, there is the claim that the child soldiers are not responsible, or at least have diminished responsibility as discussed in §2.5. On the other hand, their feelings of guilt suggest they take at least some responsibility for what they have done. As a consequence of this conflict between the victim model and their feelings of guilt, we tend to think that these feelings of child soldiers are misplaced (Thomason, 2016a, p.119). Responsibility seems to go hand in hand with the fittingness of reactive attitudes such as guilt or blame.²¹ If we think that the guilty

²⁰ Here I disagree with Thomason’s (2016a, p.119) characterisation as control as a precondition of guilt. As I will explain in Chapter 3, control may be a precondition for the *appropriateness* of reactive attitudes such as guilt, but there can be a difference between those who we hold morally responsible (in this case those who feel guilty) and those who are morally responsible (those who are guilty, and it is therefore appropriate for them to feel guilty). This distinction between held morally responsible and actually being morally responsible (and therefore an appropriate object of reactive attitudes), as will become apparent however, does not feature in Thomason’s (2016a) argument.

²¹ I will further explore the role of reactive attitudes in moral responsibility accounts in Chapter 3. I will offer an account of the relationship between blame and moral responsibility in §3.3.4.

feelings of child soldiers are misplaced, then we do not see them as morally responsible in these cases.

I became angry and regretted that I had told someone, a civilian, about my experience. I hated the “It is not your fault” line that all the staff members said every time anyone spoke about the war.

Ishmael Beah

Former Sierra Leone Government Army child soldier

(Beah, 2007, p.160)

Discussing Beah’s testimony, Thomason (2016b, n.p) suggests that he became angry because he did not see himself as a victim. He knows that he was “forced into violence” but this does not negate the fact that once Beah was in the group he saw himself as a soldier (Thomason, 2016b, n.p). It is not the case, at least causally, that child soldiers did not do anything wrong – they have physically committed acts of violence. However, it still feels right to say the actions they committed were not their fault.²² Take children who join armed groups and forces voluntarily, for example. The guilt they feel for joining may seem fitting – they made the choice to join.²³ This explains why they may feel guilt for their actions; if they believe that

²² This feeling suggests that wrongdoing can be committed by a specific agent without the agent being blameworthy for the wrongdoing. For an account of blameless wrongdoing see Parfit (1986). In particular, see the second case of Clare (Parfit, 1986, pp.33-35). I will develop a different account of why we do not want to blame child soldiers for actions that are coerced that is based on standing to blame. This is discussed in §7.3.

²³ Of course, we may not see their ‘choice’ to join as a genuine choice at all. For discussions on the recruitment of children see §7.4 on duress. See also §7.3 for a discussion of reasonable choice.

their choice to join was a genuine choice, then they may feel guilty for the actions which stem from this decision.

Nevertheless, even children who are under these coercive forces express guilt and remorse for what they have done. Thomason (2016a, p.116) argues that the child soldiers who are coerced or forced into action by their recruiters often find themselves in part endorsing “the intentions of their captors”. As such, the guilt they feel arises from the realisation that they agreed with the violence they perpetrated – even if they only performed these actions out of fear (Thomason, 2016a, p.116). It is this argument that this section will focus on.²⁴

Thomason’s (2016a, 2016b) argument therefore goes against the dominant view. The dominant view argues that even though child soldiers may feel guilt, their guilt is misplaced. However, Thomason (2016a) questions whether the two models of irrational guilt I will examine below apply to child soldiers. Instead, she suggests that it makes sense for child soldiers to feel guilt (their guilt is not misplaced), and this can be harnessed to help rehabilitate them after war (Thomason, 2016a). Here I will outline Thomason’s (2016a) argument in two steps. I will first summarise the two models for irrational guilt which Thomason (2016a, pp.119-120) argues do not apply to child soldiers. I will then explore why Thomason (2016a) sees guilt as helpful for child soldiers’ rehabilitation as it shows that they recognise themselves and their victims as moral agents.

²⁴ It is also important to note that there is another reason to reject the idea that child soldiers are not morally responsible which Thomason (2016a) does not explicitly consider – to categorise them *only* as victims supposes that they lack the capacity to make decisions. In doing this, we are dismissing their agency (even if we believe this agency is limited due to their age and circumstances).

Thomason (2016a, p.120) argues that the type of guilt that former child soldiers feel does not seem to fit either of the two current models of what Thomason calls ‘irrational guilt’. The first model sees guilt as unfitting because the person has falsely judged an act as morally wrong (Thomason, 2016a, pp.119-120). Here Thomason (2016a, p.119) uses the example of a parent who feels guilty for not being able to afford to send their child to a private school. Under this model, the person has assigned moral wrongness to an action (not sending their child to private school) which is not morally wrong (Thomason, 2016a, p.119). For Thomason (2016a, p.119) however, this does not explain why child soldiers may feel guilt – the actions they commit are morally wrong, they were just forced to perform them.²⁵

There is, however, another option available to explain the guilt child soldiers feel which Thomason (2016a, p.119) does not consider here. Even if we take Thomason’s (2016a, p.119) assertion that the action itself is morally wrong, we can still plausibly argue that the child soldiers are excused of the blame attached to this wrongdoing. It can be the case that someone commits a wrongful action but due to the conditions under which they performed the action, in this case, the force or manipulation which causes child soldiers to perform wrong actions, they are absolved from being blamed. In this case, then, the child soldier is not falsely judging an action as morally wrong, but instead falsely believes that they do not have an excuse for their actions. This model thus offers an explanation as to why their feeling of guilt is misplaced. If, as the rest of this thesis will examine, the actions of child soldiers can be excused because of

²⁵ This is a very controversial claim which Thomason (2016a) makes. It can be argued that their actions are not morally wrong given the circumstances as the child soldier has been forced to perform them. Given this, the first model of irrational guilt may stand – if the action is not morally wrong and yet the child soldier feels guilty, then they have falsely judged an action as morally wrong. For a defence of a view similar to Thomason’s (2016a) see §7.3 on coercion.

their circumstances, then their guilt is inappropriate as they are not morally responsible for their actions.

Returning to Thomason's (2016a, pp.119-120) models, the second model under which child soldiers' guilt is irrational states that the individual knows that their action was not morally wrong but cannot help but feel guilty despite this (Thomason, 2016a, p.119). Thomason (2016a, p.119) uses the example of someone who no longer practices a religion and feels guilty for breaking a religious rule they no longer believe in - they know that they have not done anything wrong and yet they cannot help but feel guilty. This model again does not explain why child soldiers may feel guilt since child soldiers do judge their actions as morally wrong, and perhaps correctly so. There may, of course, exist cases in which a child soldier does not judge their actions as morally wrong because they understand that they were coerced and therefore had diminished responsibility. However, even in these cases, we still have the task of explaining why they *feel* (as opposed to having judged themselves to be) morally responsible whilst accepting that their actions are forced (Thomason, 2016a, p.120).

Having dismissed these models of irrational guilt, Thomason (2016a, pp.120-122) argues that, not only is the child soldiers' guilt not irrational, but it can also play a role in their rehabilitation. Thomason (2016a, p.118) describes the story of Arn Chorn-Pond, a child of the Khmer Rouge regime, who is depicted in the documentary *The Flute Player* (Glatzer, 2003). Chorn-Pond was coerced, via the threat of being killed, to participate in the killings of victims by removing their clothes before they were killed with bayonets (Glatzer, 2003, Thomason, 2016a, p.118). However, the coercion does not lessen the guilt that Chorn-Pond feels; he is quoted as saying "Yes, there is definitely guilt. I feel ashamed and disappointed. I feel remorse" (Glatzer, 2003, Thomason, 2016a, p.118). For Chorn-Pond, he feels guilty because in part he

did want to kill the victims, even though this was only out of self-preservation and the fear of being killed himself.

Using the example above which describes why a child soldier may feel guilty, Thomason (2016a, p.120) makes her crucial argument. Child soldiers are made to decide between their life, or the life of their victims (Thomason, 2016a, p.121). The fear of punishment that is instilled in child soldiers for disobeying is what ultimately provokes them to kill. Because of this, they have no real way of knowing whether they actually wanted to kill the victims or not as their fear really did give them a reason to want to (Thomason, 2016a, p.121).

Even if we can make the guilt child soldiers report feeling appear rational in situations such as the one above, this does not automatically mean that the guilt is morally appropriate (Thomason, 2016a, p.121). Thomason (2016a, pp.124-125) argues that guilt can play a role in child soldiers accepting their moral ambiguity in relation to their moral responsibility. We often see guilt as a form of self-blame. In the case of Chorn-Pond, we would understand his guilt as him blaming himself for the apparent bad motives (his fear of being killed himself) that moved him to assist in killing the victims (Thomason, 2016a, p.124).

However, the reactive element of blame is not the only function guilt can have. To feel reactive attitudes we must in some way be part of a moral community where we can praise and blame others.²⁶ In feeling guilt then, Thomason (2016a, p.124) rightly suggests that child soldiers like Chorn-Pond are beginning to reintegrate into their moral community – they not only see themselves as a moral agent who has done wrong, but they must also see their victims

²⁶ I will return to this idea in Chapter 3, particularly when discussing the function of blame in §3.2.4.

as moral agents who have been wronged.²⁷ When DDR programmes dissuade child soldiers from feeling guilt – ‘it wasn’t your fault’ – they are well-meaning and do not want the children to blame themselves for what they have done (Thomason, 2016a, pp.124-125). However, this only addresses the first function of guilt as self-blame, and in fact, undermines the second function of guilt as reaffirming the child soldiers as moral agents (Thomason, 2016a, p.125).²⁸ This second function of guilt may even be fundamental in the rehabilitation of child soldiers. In recognising themselves and others as moral agents, child soldiers can begin to understand that moral agents who do wrong can be forgiven (Thomason, 2016a, p.125).

What Thomason’s (2016a) argument shows ultimately is that the guilt some child soldiers feel expresses their recognition of both their wrongdoing and of themselves as agents of a moral community. The implications of this on the rehabilitation of child soldiers in DDR programmes is interesting as this asks those helping child soldiers to accept their guilt as rational but focus this guilt into forgiveness and ‘righting the wrongs’ they committed. Ultimately, we can see that many former child soldiers tend to carry this guilt with them for the rest of their lives, as Thomason (2016a, p.125) shows Chorn-Pond does. However, this does not mean that we are categorising child soldiers as only perpetrators. Instead, by acknowledging their guilt as rational but focusing this guilt on forgiveness, we can reaffirm that the former child soldiers are members of the moral community who are worthy of respect, and that they

²⁷ This arguably must be the case because for the child soldier to feel they have done wrong by performing these actions, they must see their victims as agents who can at least be harmed.

²⁸ In §3.2.4, I discuss the function of blame more generally and suggest there are three functions of blame – to communicate disapproval, to open a dialogue about the wrongdoing, and to improve future actions. I believe it is plausible to suggest that Thomason (2016a) is also aiming at similar functions of blame when discussing guilt.

recognise their own victimhood too (Thomason, 2016a, p.126). Acknowledging their guilt thus appreciates the complex nature of a child soldier's moral responsibility which this thesis aims to address – they are both a victim and someone who has perpetrated violence against others, and both of these aspects of their experience ought to be acknowledged.

Thomason's (2016a, 2016b) argument therefore succeeds in showing how guilt can be valuable for former child soldiers. However, her argument conflates the notions of *being held* morally responsible and actually *being* morally responsible.²⁹ We can sometimes mistakenly hold someone responsible when they are not actually responsible. In arguing that guilt could help in the rehabilitation of child soldiers, Thomason (2016a) is merging the usefulness of holding them responsible, with their actual moral responsibility. Whilst it may be the case that child soldiers can learn from their guilt how to be better moral agents or that the guilt signposts that they are beginning to do this, this does not mean that the guilt is appropriate – its usefulness does not mean that they *should* feel guilty.

Whilst Thomason (2016a) goes some way in explaining the role of guilt for child soldiers, and her thoughts as to why they feel guilt are informative, we cannot use their guilt as the only marker of their degree of moral responsibility. Instead, Thomason's (2016a, 2016b) account shows two things; (1) that some former child soldiers feel guilty for their actions and this is most probably because they see themselves as at least in part responsible for their decisions, and (2) that guilt could play an important role in their rehabilitation. What Thomason's (2016a, 2016b) argument does not show however is whether this guilt is appropriate – which if the

²⁹ I will consider this distinction between holding responsible and being responsible in §3.2.1.

model of misplaced guilt I have outlined above is plausible, and child soldiers do have exempting and/or excusing conditions for their moral responsibility, it may not be. It is these exempting and excusing conditions which I will focus on from Chapter 4. Furthermore, the way child soldiers understand their actions will be evaluated in line with their experiences and the way they are perceived by others including their communities.

2.7 Conclusion

In this chapter I have introduced the concept of child soldiers and begun to outline why they may or may not be morally responsible for their actions according to the current perspectives that persist in public discourse. I have defined child soldiering in a way which is sensitive to the stereotype without endorsing such a narrow understanding. Instead, I have aimed to capture the variety of experiences child soldiers may have within the definition. I have also outlined the dominant view of the moral responsibility of child soldiers as wholly diminished. However, in discussing the feelings child soldiers themselves have expressed about their actions I have begun to suggest that their moral responsibility is more ambiguous than the dominant view suggests. Instead of simply being victims, child soldiers are victims who have perpetrated bad acts. In the subsequent chapters, I will use the arguments I have introduced here for child soldiers as either victims or perpetrators to establish whether their experiences diminish their moral responsibility.

3. Moral Responsibility

Dominic used to tell us he was abducted when he was very young. Everything he did was in the name of Kony, so he's innocent.

Florence Ayot, Dominic Ongwen's "bush wife"

(Chothia, 2015, n.p)

3.1 Introduction

As mentioned in §2.2.1 and §2.4.1, in 2021 Dominic Ongwen was charged with 61 war crimes and crimes against humanity (International Criminal Court, 2022, n.p). However, much like the statement above by Ayot, his defence claimed that due to his abduction and subsequent indoctrination into the LRA he is not responsible for the actions he committed; they instead presented Ongwen as a victim of the LRA's crimes (Talbert and Wolfendale, 2018, n.p).

In this thesis, I argue that such a view of child soldiers as only victims, and therefore not morally responsible for their actions during their time as child soldiers (and in Ongwen's case after turning 18), is problematic. In this chapter, I outline a view of moral responsibility which will be used as the framework for the rest of this thesis. To be able to discuss guilt, blame, and non-blameworthiness in relation to child soldiers, I must first clarify and elucidate what it is for someone to be morally responsible for their actions. In this chapter, I consider when reactive attitudes such as blame are appropriate, and present and defend a view of moral responsibility based on the appropriateness of reactive attitudes, drawing on the work of Strawson (1993) and the debates following it.

In §3.2 I outline the general idea of moral responsibility as the appropriateness of reactive attitudes. I explore when reactive attitudes are appropriate through the conditions of attributability and accountability. This draws upon debates surrounding the sufficiency of causal responsibility and the Real Self debate respectively. I then outline two kinds of theories of when reactive attitudes are appropriate; the *forward-looking* approach, which focuses on the effects that reactive attitudes can have on forging future action, and the *backward-looking* approach, which focuses on why we feel these reactive attitudes towards others. This thesis adopts a neo-Strawsonian account which includes both backward- and forward-looking aspects. This account will include objective conditions which may exempt someone from being seen as morally responsible, and conditions which may excuse their moral responsibility in a specific situation.

Building upon this, in §3.3 I identify conditions that mean the person is exempt from responsibility. This includes a brief discussion of determinism and Frankfurt's (1969, 2002b) rejections of the principle of alternate possibilities, before moving on to the two exempting conditions this thesis focuses on. These are framed around two conditions: psychological complexity, and moral competency. In §3.4 I outline some conditions which may excuse responsibility claims. These are framed around five main categories of excusing conditions: ignorance, force, coercion, duress, and manipulation. I take each of these excusing conditions in turn and briefly introduce why they are typically seen within the literature to excuse, or at least diminish, moral responsibility. These discussions of exempting and excusing conditions will form the basis for the rest of this thesis.

3.2 Understanding the Debates Around Moral Responsibility

In his seminal paper “Freedom and Resentment”, P. F. Strawson (1993) makes the claim that to understand what conditions a person must meet to be morally responsible is best understood via our attitudes and practices of holding them responsible.³⁰ As Victoria McGeer (2019, p.301) notes, this has been seen as a somewhat puzzling claim and has become central to much of the philosophical debate surrounding moral responsibility since. Whilst Strawson (1993) was mostly taking aim at the preoccupation at the time about free will and determinism, his work highlighted some important concepts such as the importance of ‘reactive attitudes’, a distinction between holding someone responsible and them being responsible, and the connections between these three notions.

This section aims to do two main things. The first is to present a very basic map of the literature on moral responsibility. This will include discussions of the difference between holding someone responsible and that person truly being morally responsible in §3.2.1. In §3.2.2 and §3.2.3, I will outline two broad categorisations of the appropriateness of reactive attitudes in moral responsibility, forward-looking and backward-looking approaches. I will use these understandings of moral responsibility and its relationship to reactive attitudes to outline the account of moral responsibility which will be used throughout this thesis. Having provided this basic overview of some of the discussions being had in the moral responsibility literature around what it means for someone to be morally responsible, I will move on to the second aim of this section in §3.2.4. That is, to present an account of the relationship between our reactive

³⁰ For discussions of Strawson’s (1993) paper, see Shoemaker (2007), and Watson (2014).

attitudes, and specifically for this thesis blame as a reactive attitude, and a neo-Strawsonian account of moral responsibility.

3.2.1 *A Distinction Between Holding Responsible and Being Responsible*

It is typically argued that there is a difference between someone *being held* morally responsible, and someone *being* morally responsible. Very roughly, *holding* someone responsible is to have certain reactive attitudes towards them. For example, if we blame someone or feel disgust towards their behaviour, it is because we hold them responsible for wrongdoing in some way. On the other hand, *being* responsible only arises in cases where these reactive attitudes are appropriate.

When we take persons to be morally responsible, we not only hold a belief about them – that they are morally responsible – we also adopt particular *appropriate* attitudes, and act in certain ways towards them (Fischer and Ravizza, 1993, p.4). For the most part, the attitudes usually associated with wrongdoing such as blame and resentment have become the main focus of discussion, although positive reactive attitudes such as praise are beginning to be emphasised within the moral responsibility literature (Fischer and Ravizza, 1993, pp.5-6). When we blame someone for the hurt they have caused, this is because we believe that they have done something wrong. Take the below cases for example:

Pushed: Alex and Bailey are standing in a crowd and Bailey pushes Alex.

Pushed (Accidental): Same as **Pushed**, however, Bailey accidentally trips and falls into Alex causing Bailey to push Alex.

In **Pushed** and **Pushed (Accidental)** Alex would blame - or at least we would not see Alex as mistaken for blaming - Bailey for pushing them. We can assume that when Bailey pushed Alex, Bailey may have hurt Alex (whether intentionally or accidentally), and so it would be natural for Alex to initially blame Bailey for this harm.

Positive reactive attitudes work in a similar way. If someone helped Alex, Alex would praise them and give thanks. However, there is a subtle difference between positive and negative reactive attitudes – whilst we may blame someone for their bad actions even if it was unintentional (as Alex would in **Pushed** and **Pushed (Accidental)**), we only praise them for actions we know were intentional.³¹ For example, if Casey were to break Alex’s fall because Casey happened to slip and fall over near Alex when Alex was pushed, Alex would likely not praise Casey as Alex would know that Casey did not *mean* to save her. Conversely, Alex would likely blame Bailey even if the act was unintentional as in **Pushed (Accidental)**. This shows there is a difference between how we have positive and negative reactive attitudes towards others.

Whilst the attitudes included within the reactive attitudes spectrum may be antitheses of one another, they all stem from the fact that we *hold* the person in question morally responsible for what they do or have done (Fischer and Ravizza, 1993, p.6). This is a separate notion to the person actually *being* responsible for their actions.

³¹ Knobe (2003) conducted an experiment to show that this is the case. In a survey of 78 subjects, each was assigned either a situation in which a CEO knowingly harmed the environment as a side effect to making more profit, or knowingly helped the environment as a side effect to making more profit (Knobe, 2003, p.191). The results of this experiment showed that 82% of subjects thought that the CEO brought about the harmful consequence intentionally, in contrast to 77% who thought the CEO did not bring about the good consequences intentionally (Knobe, 2003, p.192).

When we have reactive attitudes towards someone, we can at the same time hold them morally responsible for their behaviour. However, this is not the whole picture of moral responsibility. Considering cases of blame, it seems that even if we know the person who pushed us did so unintentionally as in **Pushed (Accidental)**, we may still *hold* them responsible. Alex may, after all, blame Bailey even if she realises that Bailey does not deserve such blame. This indicates that holding an agent responsible, and the person actually being responsible are different as we can sometimes mistakenly hold someone responsible.

To understand this difference, we first must consider a distinction between accountability and attributability. Stemming from debates over the Real Self view a distinction between responsibility-as-attributability and responsibility-as-accountability has been made (Watson, 1996, p.234, Talbert, 2016, p.51).³² A person may, therefore, be responsible insofar as the action can be attributed to her and an aretaic judgment made in light of the action, but not in the *further* sense that she is accountable for the action (Talbert, 2016, pp.48-49). In **Pushed** and **Pushed (Accidental)** we can attribute the act of pushing Alex to Bailey. Bailey's body was after all responsible for Alex falling over. But whether Bailey is accountable for this action in both **Pushed** and **Pushed (Accidental)** is a further question. Essentially, reactive attitudes are not appropriate for all actions that can be attributed to the person, and it is this appropriateness that distinguishes between simply holding someone responsible, and that person being morally

³² The Real Self view of moral responsibility essentially holds that for an agent to be morally responsible for an action, the action must have been something she truly endorsed. I will further discuss various Real Self views and its different proponents such as Frankfurt (1971, 1993), and Watson (1996) in Chapter 4 when discussing psychological complexity as a condition of moral responsibility.

responsible.³³ To categorise someone as morally responsible, it must be the case that the action is attributable to them (they must be causally involved as a minimum), but something else must also be true of that person – they must also be accountable for the action.³⁴

So, what constitutes accountability? A popular answer is that to be accountable the action must flow from the agent's 'real self'. I will return to Real Self views of moral responsibility in chapter 4, but for now what is of concern is how they understand the difference between holding someone responsible, and them being morally responsible. This view begins from considering a person to whom actions are attributable, but they are not accountable for these actions. The most well-known example of such an agent is an unwilling drug addict (Frankfurt, 1971).³⁵ The reason the unwilling drug addict is not accountable for her actions is because her actions are caused by the addiction which is an uncontrollable desire they do not endorse. The unwilling drug addict example therefore begins to suggest the characteristics agents must have in order to be accountable for their actions – because the actions of unwilling drug addicts do not flow from their 'real selves', they cannot be accountable. Specifically for Frankfurt (1971), accountable agents act on the basis of the desires they desire to have. He

³³ It seems to me that the term 'appropriateness' holds a lot of meaning in debates on moral responsibility and reactive attitudes. I will return to this term and aim to devise an account of the appropriateness of blame in §3.2.4.

³⁴ Here I do not mean to suggest that responsibility-as-attributability is mere causal responsibility. An assessment of moral responsibility under an attributability lens assesses not just the action, but also the agent insofar as the action confers an attribution of either virtue or vice to the agent.

³⁵ I will return to this example and contrast it with the willing drug addict and the wanton in §4.2.1.

identifies the real self with successful higher-order volitions being held wholeheartedly (Frankfurt, 1971, p.13, 1993).³⁶

Similarly, Watson (1996) distinguishes between responsibility-as-attributability and responsibility-as-accountability. There are different ways in which we hold persons responsible. For one, we can see actions as attributable to someone - “it really is her behaviour” and we judge her behaviour as morally good or bad – an aretaic judgment (Talbert, 2016, pp.48-49). Put simply, when we look at the attributability of an action to an agent, we judge only the action, allocate this action to the agent, and make a judgment of the agent in virtue of the action. Conversely, we can hold someone accountable, and therefore judge *her* as morally good or bad (and therefore have the *appropriate* reactive attitudes towards her) (Talbert, 2016, pp.48-49). So, when someone is accountable for their actions, we judge *them* and our reactive attitudes are directed at the person themselves, not just the bad action. The judgment our reactive attitudes demonstrate is appropriate *because* the person is accountable for the wrongdoing. In cases where an action is merely attributable, the reactive attitude is not appropriate because the agent has not endorsed the action in the relevant way.

These two notions of attributability and accountability can therefore come apart. We can imagine a situation in which an action is *attributable* to an agent, but they cannot be held *accountable* for it. As in **Pushed (Accidental)**, the push is attributable to Bailey, but she is not accountable for it – it was simply an accident, and she does not endorse that action. The harm

³⁶ For a discussion of Frankfurt’s (1971) hierarchy of desires view see §4.2.1. Frankfurt (1993) later revised his view on moral responsibility in response to criticisms of his hierarchical approach. For a discussion of Frankfurt’s (1993) wholeheartedness account see §4.2.3.

caused by someone being pushed over is still wrong in a sense, but the wrong did not come from Bailey in a way we can say makes her accountable for that wrong.

Mele (1995) argues that for someone to be accountable their desires must have been formed in the right kind of way. This adds an additional consideration other than the actions flowing from the agent's real self, as we must also look at their agential history and the way these desires have been formed. Similarly, Wolf (1990, p.80) argues that the Real Self view does not allow for a category of agent who mimics the willing drug addict in that her desires and values mesh in a way that the action is truly hers, but this is only because of some previous trauma which has instilled these values in her.³⁷ As it is not this agent's fault, (she did not choose to endorse these values) it seems implausible to suggest she is blameworthy for doing so.

Whilst I will return to these debates on the Real Self view and agential history throughout this thesis, what is important for this section is that there is a clear distinction between an action being only attributed to someone, and that person being accountable for the action. This distinction helps us to understand what we mean when we hold someone responsible – we are attributing the action to them. For the person to actually be morally responsible, however, we must be able to hold them accountable for the action. Whilst of course the practice of holding someone responsible is part of what it means for someone to be morally responsible (as discussed above we cannot hold someone accountable if the action is not

³⁷ This is the manipulation objection put forward by Mele (1995) – agents are not morally responsible, even if they have the right kind of mental states to be acting as their real self if they have been brainwashed for example. I will return to this objection in §7.5 on manipulation.

attributable to them), it is the richer discussion of what it truly means for someone to be morally responsible that is important in the case of child soldiers.

In order to determine responsibility-as-accountability, and therefore whether the person is morally responsible, we must understand four factors of the person's self and social context; (1) what was behind the desire that led to this action, (2) does this desire reflect her will (i.e. does it flow from the real self?), (3) are any further conditions which may excuse their actions such as the social context, and finally (4) does she deserve the reaction? These are the four questions the rest of this thesis will aim to answer specifically for child soldiers.

As mentioned in the introduction to this thesis, I will make two claims about the moral responsibility of child soldiers. The first is that in general, we should see child soldiers as minimally morally responsible for their actions in war. That is, in general there are reasons to believe that child soldiers can satisfyingly answer the four questions above. The second claim is that given the heterogeneous nature of the category 'child soldier' some child soldiers are more responsible than others. That is, to different extents the child soldiers' being and experiences affect how morally responsible they are. These considerations about to what extent the child soldier is morally responsible seem to rest on questions (2) and (3) – did they truly want to act in that way, and are there any external conditions which excuse their moral responsibility?

In the case of child soldiers, there is a sense in which they have already suffered and therefore should not be seen as morally responsible (or at least not blameworthy if these are two distinct notions)– indeed we may even feel pity and sympathy towards them, as the view

of child soldiers as only victims suggests.³⁸ I believe this distinction to be because responsibility-as-attributability is such a thin notion in that the individual is causally responsible for the action and it is only the action that gives us license to make a judgment about the agent. It is under the notion of responsibility-as-accountability which captures whether someone is truly *morally* responsible as this is where we can see they truly endorsed the action.

Putting the distinction between holding responsible (as attributability) and being morally responsible (as accountability) aside, there is also a distinction between someone being morally responsible *generally*, and them being morally responsible *for a particular action*. For example, in **Pushed** we would typically take Bailey, to be morally responsible for pushing Alex. However, when we discover Bailey did not mean to push Alex, as in **Pushed (Accidental)** we excuse Bailey's behaviour and thus do not see her as responsible for this particular action. As such it is not appropriate for us to blame, or attribute any other negative reactive attitude to, Bailey in this instance. However, this does not weaken the claim that Bailey is a morally responsible agent. It is simply that in this instance Bailey was not morally responsible for the specific action.

In what follows (§3.2.2 and §3.2.3), I will draw on this notion of moral responsibility as being an *appropriate* object of praise and blame and outline two ways of when it is appropriate. In §3.2.2 I will consider the forward-looking approach which sees reactive attitudes as appropriate only when they can influence someone's behaviour in future situations. I will

³⁸ The relationship between moral responsibility and blameworthiness will be discussed in §3.2.4. For now, it is enough to say there seems to be some link between blameworthiness, reactive attitudes such as blame, and moral responsibility.

offer three criticisms of this view which all suggest that the appropriateness of reactive attitudes rests on more than just their future effect. These criticisms will give rise to a desert-based approach, the backward-looking approach, in §3.2.3. Finally, I will conclude that the backward-looking approach to moral responsibility as the appropriateness of reactive attitudes must go further than Strawson's (1993) view, which is based only in practice, and the distinction between when we hold someone responsible and when they are actually responsible is imperative. I will therefore offer an account of the appropriateness of reactive attitudes not based only on the emotional nature of reactive attitudes like Strawson (1993) does, but instead offer some objective conditions which need to be met for someone to be morally responsible.

3.2.2 *Forward-Looking Approaches*

As I have touched on above, being morally responsible (whether this is generally or for a specific action) is typically understood as being an appropriate object of reactive attitudes such as praise and blame. Forward-looking accounts of moral responsibility propose that we should understand the appropriateness of reactive attitudes in terms of the positive consequences that can be gained from them (Caruso and Pereboom, 2022, pp.36-37, Talbert, 2016, p.32). Under this view, a person is morally responsible insofar as reactive attitudes will, or have a good

chance of, encouraging or discouraging them to behave in certain ways (Caruso and Pereboom, 2022, pp.36-37, Talbert, 2016, p.32).³⁹

J.J.C. Smart (1961, pp.303-304), one of the first proponents of the forward-looking approach, argues that when we praise and dispraise a person's actions, we are scoring their behaviour.⁴⁰ This grading of behaviour is a phenomenon we take part in in both moral and non-moral aspects of our lives (Smart, 1961, pp.303-304, Talbert, 2016, p.32). For example, we praise or dispraise attributes and actions such as intelligence, honesty or skill level (Smart, 1961, pp.303-304).⁴¹ Blame on the other hand is grading their behaviour "*plus* an ascription of responsibility" (Smart, 1961, p.305).⁴² Under Smart's (1961) view of responsibility, being responsible is simply that the individual would have avoided the action if given a motive to do so. To illustrate Smart (1961, p.302) gives the example of schoolboy Tommy who has been given a homework task which he does not complete. Here I will slightly amend this example from Smart's (1961, p.302) original to make the case clearer, and state that the homework task is set up in such a way that Tommy cannot even attempt to complete the rest of the homework without knowing the answer to the first question.

³⁹ Whilst there are more recent accounts of a forward-looking view of moral responsibility, such as those put forward by Jefferson (2019) and McGeer, (2019) I will only focus on Smart's (1961) account as a typical forward-looking account. The questions raised about Smart's (1961) account in this section are also generally applicable to other forward-looking accounts.

⁴⁰ I believe dispraise here does not simply refer to blame. For Smart (1961), blame does not seem to be the antithesis to praise as it has the added designation of responsibility to the blamed agent, which praise, and dispraise do not.

⁴¹ Here I follow Talbert's (2016) analysis of Smart's (1961) view, particularly the evaluation of what is going on in the Tommy cases.

⁴² Emphasis added.

Tommy (Incapable): Tommy does not do his homework. The teacher believes this is because Tommy is stupid. It is therefore not appropriate for the teacher to punish Tommy.

Tommy (Lazy): Same as **Tommy (Incapable)** however Tommy does not do his homework because he simply does not want to. It is therefore appropriate for the teacher to punish Tommy.

In **Tommy (Incapable)** the teacher can still assess Tommy's performance as poor (in a non-moral sense) – he can “dispraise” him – however, the teacher does not *blame* him which is a moral evaluation (Smart, 1961, p.302, Talbert, 2016, p.33). This is because, under Smart's (1961, p.302) view to blame and perhaps punish Tommy for not doing his homework, would not encourage Tommy to do better next time as he simply cannot answer the first question anyway. Tommy is therefore not responsible for not doing his homework as he could not have done it (as he did not know the answer to the first question) *even if* he had some motivating reason, such as avoiding blame, to do so. Tommy's failing in **Tommy (Incapable)** is not a failing of his will and is therefore not moral; it is simply a failing in a non-moral sense as he does not possess the skill to complete the homework task.

In **Tommy (Lazy)** however, this is not the case. Tommy is responsible for not doing his homework and is, therefore, an appropriate object for blame. If Tommy had had a reason to do his homework, for example, to avoid punishment, we can reasonably assume he would have done it. So, it is not only appropriate for the teacher to rate Tommy's performance as poor (a non-moral evaluation) but also to *blame* Tommy because this will give him a reason (to avoid the ‘sting’ of blame) to behave better in the future (Talbert, 2016, p.35). It is therefore not the present blame that will make Tommy act better in the future, but the threat that he will be blamed

again if he does not act better. Tommy now knows how this feels and will seek to avoid it in future. As such under a forward-looking approach, praise, blame, and other reactive attitudes are only appropriate insofar as they can act as a motivator for the person in question to act better in the future (Talbert, 2016, p.35). Under this view reactive attitudes are not used to only judge actions as right and wrong after the action, but rather to guide persons towards acting better next time through either education or deterrence (Smart, 1961, p.306).

Moreover, blaming or condemning Tommy for not doing his homework in **Tommy (Lazy)** may not only deter Tommy from acting in this way again (and thereby encourage him to do his homework in the future) but it can also do the same for others. The forward-looking approach, therefore, does not have specific agential concern for whom the reactive attitude is directed at (Wallace, 1994, pp.56-57). The forward-looking approach is therefore typically consequentialist; they judge the appropriateness of praise and blame on their propensity for bringing about good consequences in the future for all (Talbert, 2016, p.36).

It does seem true to say that reactive attitudes can act as a deterrent or encouragement for future actions, but this does not capture the full extent as to why we praise and blame each other. I believe there are three main problems with focusing on a solely forward-looking approach to moral responsibility and reactive attitudes; (1) the forward-looking account cannot adequately explain self-reactive attitudes such as guilt, (2) it cannot give satisfactory reasons for why we should not praise morally repugnant actions or blame morally neutral or good ones,

as in McCloskey's (1965, 1967) case of the angry mob, and (3) it ignores some of the roles reactive attitudes play in our relationships with others.⁴³

The first criticism, that the forward-looking approach cannot effectively explain self-reactive attitudes, essentially states that self-reactive attitudes seem to always rely on some kind of backward-looking element. This is a general problem for self-reactive attitudes, such as guilt, self-blame, and self-praise, in the forward-looking approach. However, for reasons of simplicity, I will only demonstrate this problem through the discussion of guilt.

If we recall, the forward-looking account states that reactive attitudes are used as encouragement or discouragement to change future behaviour. However, in terms of guilt, whilst it may be the case that guilt has the *effect* of deterring us generally from acting in the same way again, this does not seem to be the reason why we feel guilty (Wallace, 1994, pp.57-58). It may also be true that in explaining our guilt to others we also deter them from acting in this way in the future. But again, this is not our main motivation or reason for feeling guilty. We feel guilty because we feel we should not have acted in that way – it seems unlikely we could “succeed in raising the motives or emotions” from a purely forward-looking approach if we do not talk about our feelings of guilt with others (Wallace, 1994, p.58). To explain reactive attitudes aimed purely at ourselves without invoking a backward-looking element, the forward-

⁴³ These criticisms have been recounted by various philosophers in various ways. See Caruso and Pereboom (2022), Talbert (2016), Vargas (2013), and Wallace (1994).

looking approach must be able to give an explanation for how guilt functions foremost as a deterrent.⁴⁴

It is not impossible for the forward-looking approach to do this – if we have the capacity to think about past actions, and infer what consequences came from these actions, we can then project these consequences into the future. As such, we would feel guilty because we generally have an idea about the bad consequences that will come from these actions. In this sense then, under a forward-looking account, guilt would act as an anticipatory feeling to deter us from acting in this way *before* doing so. The role of *anticipatory* guilt is, therefore, to act as a deterrent, and it seems plausible to suggest that this may be a primary reason for us to raise the emotion of guilt in ourselves; we have inferred that the consequences would be bad, and so to avoid feeling guilt we would not act in this way.

However, this kind of account still cannot easily explain the role of guilt in cases where we feel guilty after the action has taken place.⁴⁵ Proponents of the forward-looking approach could simply say that guilt in these cases motivates us not to act in the way again – and we can remember this feeling of guilt to motivate us to avoid similar actions in the future. However, it seems much more intuitive to say we feel guilty simply because we have violated some demand that has either been imposed upon us, or we have imposed on ourselves. After all, this is probably why we do not want to act in this way again as we know we have done wrong. Whilst

⁴⁴ For a defence of self-blame from a forward-looking account see Pereboom (2002a).

⁴⁵ This is especially important when it comes to one-off actions. If an agent will not be in this position again, then what can be learnt from guilt?

guilt may be able to act as a motivator, it is not an easy task for the forward-looking approach to explain how this is its main role.

Moreover, we can imagine cases in which the consequences of reactive attitudes would be better if we were to praise wrongdoing or blame praiseworthy actions, or even blame or praise someone when they have not even acted. A slight variation on McCloskey's (1965, 1967) case of the angry mob demonstrates this:

Angry Mob*: A crime has been committed in the town. If the police do not catch the culprit and hang them the townspeople will believe that such a crime is tolerated. The police, therefore, have a choice; frame an innocent person for the crime, or allow the townspeople to believe that this crime is acceptable, and thereby commit similar acts in the future.

If it is conducive to a better future consequence, in this case to deter others from committing a similar crime, then under a forward-looking approach there does not seem to be a reason *not* to blame the innocent person. If we are only interested in motivating good behaviour or discouraging bad behaviour in the future, in **Angry Mob*** it does not seem to be relevant whether the innocent person committed the crime or not – so long as the townspeople believe she did, blaming the innocent person will deter the townspeople from acting in the same way.

However, our intuition is that it is wrong to blame the innocent person. Furthermore, for the criminal who really did commit the crime to go unpunished whilst an innocent person is blamed feels wholly unfair. Cases such as this, therefore, show there must be more to the appropriateness of reactive attitudes other than their encouraging or discouraging effects on

future behaviour – it seems desert must play a role, but the forward-looking approach cannot fully vindicate our intuition that blame follows desert.

A third criticism of the forward-looking approach to the appropriateness of reactive attitudes comes from Strawson (1993). Strawson (1993, p.53) argues that our relationships necessarily involve these kinds of reactive attitudes. In short, an aspect of our interpersonal relationships involves the importance we place on “the attitudes and intentions” other people have towards us (Strawson, 1993, p.48). The objection to the forward-looking approach follows from this. If the role of reactive attitudes is to only encourage or discourage similar actions in the future, this disregards the value we place in the way people treat us. When we are wronged, we want the other person to know what they have done is wrong *because* it has disrespected or disregarded us personally and therefore, we blame them for their action. It is not that we want to only discourage them from acting this way again, although this may also be a motivation for reactive attitudes, but that we feel the “quality of others’ will towards us” shown towards us was bad or ill (Strawson, 1993, p.56).⁴⁶

Moreover, a purely forward-looking approach would require us to adopt an objective attitude towards others – they would simply be objects to treat in particular ways in order to encourage or discourage behaviour. Treating other people objectively would affect our interpersonal relationships – Strawson (1993, p.54) argues that being able to be subjective towards others, in particular to have feelings towards them, is a necessary part of our interpersonal relationships. If this subjective element were to not exist, as in the case of a purely

⁴⁶ I will return to these ideas of valuing blame when discussing the relationship between blame and moral responsibility in §3.2.4.

forward-looking approach, then our relationships in their current form could not exist (Strawson, 1993, p.54). These three criticisms, therefore, show that whilst the forward-looking approach may capture part of the appeal of the practice of reactive attitudes, its disregard for how we actually practice them means that it does not capture the full extent of their appropriateness.

3.2.3 *Backward-Looking Approaches*

Since moral responsibility is the appropriateness of reactive attitudes such as praise and blame it seems that appropriateness may rest on desert. Strawson's (1993) approach aims to do just this and focuses on how we actually practise praise and blame. Whilst I believe that Strawson goes too far - in his view, there is no difference between whom our moral practices hold responsible and who is actually morally responsible - this leads to two questions: (1) why, in normal cases, are persons morally responsible? and (2) when are they not?

Strawson's (1993) reactive attitudes approach focuses directly on the backward-looking element that the purely forward-looking view considered previously dismissed. Strawson (1993) argues that holding someone responsible for an action is simply feeling certain reactive attitudes towards them. For Strawson (1993, p.53), the forward-looking approach does not accurately acknowledge the interpersonal elements of holding these reactive attitudes towards another person. Instead of reactive attitudes having the primary role of encouraging or discouraging future behaviour, Strawson (1993, p.53) argues reactive attitudes are human emotions we have "to the good or ill will or indifference of others towards us, as displayed in *their* attitudes and actions". In short, the emotional aspect of reactive attitudes is not a side-

effect to their expression, it is just what reactive attitudes are – they are an emotional reaction to the way we have been treated, have seen others treated, or how we ourselves have treated others.

To demonstrate using Strawson's (1993, p.49) own example, if someone steps on our hand whilst saving us, the pain we feel is no less severe than normal. However, we do not feel resentment towards the saviour which we would if the pain was not accidental - we do not resent the saviour because their motivation was not to intentionally hurt us – their attitude towards us was one of kindness (to save us) rather than to harm us. It is natural to hold each other to demands that they treat us with “respect and good will” (Talbert, 2016, pp.38-39). And from these demands, we express our emotions when they are disregarded, as with the saviour deliberately harming us. Under this view, holding a person morally responsible is to feel reactive attitudes towards them because they have either respected or disrespected our interpersonal demand for due regard.

It is also important to note that we can also feel reactive attitudes on behalf of someone else (Strawson, 1993, p.56, Talbert, 2016, p.39). For example, we can feel resentment towards the saviour if they were purposely standing on another person's hand. Similarly, we can feel reactive attitudes towards our own actions (Strawson, 1993, p.57, Talbert, 2016, p.39). Interestingly in the case of self-reactive attitudes, unlike under a forward-looking approach, we feel these reactive attitudes towards ourselves either because of the demands we have imposed on ourselves, or those we feel are rightly imposed on us by others (Talbert, 2016, p.39).

As interpreted by Watson (2004, p.222, cited in Talbert, 2016, p.45), under Strawson's view of moral responsibility there is no “independent notion of responsibility” that can be used to evaluate when it is appropriate to have these attitudes. Instead, it is our practice of praising

and blaming and other reactive attitudes that determine who is seen as morally responsible (Watson, 2004, p.222). And, as explained, our practices of reactive attitudes are us expressing our demands about the treatment of others. It also does not seem that we can change the practice of which reactive attitudes we have and when as they are so integrated into our way of life. Because of this, the practice is not rationally evaluable – we cannot determine whether an act of praising and blaming is appropriate without looking at the way praise and blame are typically practiced (Strawson, 1993, p.66). Because of this, we can assume the practice itself determines when reactive attitudes are appropriate.

Fischer and Ravizza (1993, p.18), however, criticise this. If moral responsibility is not determined by independent facts, then it seems we can never describe reactive attitudes as mistaken, irrational or even inappropriate (Talbert, 2016, pp.45-46). Fischer and Ravizza (1993, p.18) characterise Strawson’s approach as a view of when persons are held responsible, rather than when they are actually morally responsible. Since we can imagine holding someone responsible who is not, this is a problem for Strawson’s account of moral responsibility.

This is not to say, however, that a Strawsonian approach to moral responsibility, with some clarifications, does not have some merit. Fischer and Ravizza (1993, p.18) suggest that “agents are morally responsible if and only if they are *appropriate* recipients” (rather than just recipients as in Strawson’s (1993) approach). Individuals can be excused or exempt from moral responsibility either because they are not a morally responsible agent in general, or that they were not morally responsible in that particular situation.⁴⁷ Interestingly, whilst Strawson does

⁴⁷ The distinction between exempting and excusing conditions was helpfully introduced by Watson (2004, pp.223-225), and has become widely used throughout the literature in similar ways.

allude to the idea that a person may not be responsible under certain excusing or exempting conditions, he did not explore this idea further (Watson, 2004, p.225). It is these exempting and excusing conditions which the rest of this thesis, will consider.

3.2.4 *The Relationship Between Moral Responsibility and Blame*

Before considering what these exempting and excusing conditions may be, I believe it is imperative that we better understand the relationship between moral responsibility and blame. What are the specific functions of blame, and what does this have to do with moral responsibility? In this section I will first outline what I believe to be the three functions of blame – what we are trying to do when we blame people – before drawing on Strawsonian accounts of moral responsibility, and some elements of forward-looking accounts to show the relationship between moral responsibility for wrongdoing and blame.⁴⁸

Current literature emphasises different functions of blame which I believe can be categorised into three groups: communicating disapproval, holding the agent accountable, and seeking to improve the agent's future actions. I will take each of these in turn.

Beginning with blame as a way to communicate disapproval, I believe this is captured by many backward-looking approaches to moral responsibility.⁴⁹ For example, as we have

⁴⁸ Whilst of course blame is not the only reactive attitude, or indeed the only *negative* reactive attitude, it is the reactive attitude which is central to discussions in this thesis.

⁴⁹ Backward-looking accounts have been discussed in the previous section (§3.2.3).

already seen according to Strawsonian accounts, blame (and other reactive attitudes) just is what it means to hold someone morally responsible for their wrongful actions. When blaming someone, we are thus communicating that their action was wrong, which is our way of holding them responsible. Similarly, Wallace (2011) defines blame as an emotional response to ‘ill will’, and for Watson (1996) blame is an evaluation from the ‘aretic perspective’ of an agent’s failure to live up to some measure of excellence. These backward-looking accounts of blame understand blame as a way to communicate that someone has acted wrongly and that we disapprove of them doing so. And this seems to be an important aspect of our blaming practices. When we blame another person, we in part do so to tell them that what they did was wrong and that we do not approve of this wrong.

Relatedly blame can also function as a way of holding someone *accountable* for some wrong action they have done. Accountability in this sense is the idea that the person is responsible, and thus must be able to explain or attempt to justify their actions. Blame in this way opens a dialogue between the person doing the blaming and the person being blamed which begins from the communication of disapproval I have considered above. Some explanations of blame which include the communicative and accountability functions include Macnamara’s (2015) notion of reactive attitudes as communicative entities, Fricker’s (2016) more pragmatic explanation of blame, Talbert’s (2012b) notion of moral blame as protest, and McKenna’s (2012a, 2013) idea of blame as an opening to a conversation.⁵⁰ Again, the idea of accountability and opening a dialogue around the blamed agent’s actions seems to be an important function of

⁵⁰ It may be important to note that Fricker (2016) maintains that blaming practices are so diverse that we simply cannot derive any useful conditions of blame.

blame. When we blame another agent, we do not do so only to tell them why we believe their action was wrong, we also want them to acknowledge why we feel this way or justify why their action was not the wrong thing to do. The notion of communication may also include an intimate interpersonal element in that this conversation may reveal ways in which the relationship between the blaming person and the blamed person has changed in light of the wrongdoing (Scanlon, 2008, pp.128-129).

Finally, blaming as a way of improving the future actions of the blamed person is also emphasised within the literature. Forward-looking accounts of moral responsibility and/or blaming practice often focus on the ways in which being blamed for a wrong action can allow an agent to understand their action was wrong, and to deter them from acting the same way in future.⁵¹ Prominent advocates for this function of blame include Smart's (1961) instrumentalist account, McGeer's (2019) scaffolding view of reactive attitudes, and forms of agency cultivation proposed by Vargas (2013) and Jefferson (2019). These views typically argue that blame functions as a useful tool to improve the blamed person's behaviour. Again then, this function does seem to be present in our blaming practices. After all, we would perhaps not *communicate* blame towards someone we thought would be unmoved by the negative reaction.

Blame therefore has three main functions: to communicate disapproval, to hold the person accountable, and to improve their future actions. The literature, however, seemingly pits these functions against each other (or at least in emphasising the importance of one function, neglects the other two). I argue that these functions can all be present in our blaming practices, although

⁵¹ Forward-looking accounts have been discussed in §3.2.2.

one or more may be more important in different situations. For example, when blaming a child for hurting another, we may want to emphasise improving their future actions over the more negative disapproval function. Conversely, blaming a cold-blooded killer may focus on communicating disapproval and holding them accountable as it would seem that they do not even acknowledge the wrongness of their action.

So, what does this have to do with moral responsibility? If we take Strawson's (1993) claim (which this thesis broadly does) that we should be focusing on how we blame in order to uncover what matters for moral responsibility, then by providing an account of the function of blame, I have attempted to begin this endeavour. It would seem that someone who is an appropriate object of blame (as is the definition of moral responsibility for wrongdoing this thesis relies upon) would be an appropriate object of these three functions of blame.

This thesis therefore sees the relationship between blameworthiness and moral responsibility in the following way. A person is morally responsible if they are an appropriate object of reactive attitudes, such as blame. This appropriateness rests upon considerations of exempting and excusing conditions. An individual is therefore only blameworthy if there are no exempting or excusing conditions that significantly diminish their moral responsibility.⁵² It is these exempting and excusing conditions on which this thesis focuses.

⁵² There is of course a separate question of *from whom* is the blame appropriate. I will return to the question of standing to blame in §7.3.1 when discussing blame for coerced actions.

3.3 Exempting Conditions

As alluded to in §3.2.1, there can be some reasons why someone is not morally responsible either in general, or for a specific action. These reasons, which I will call excusing conditions, can change both (1) whether an action can be attributed to the person, and/or (2) whether the person is accountable for the action. Moreover, even if both (1) and (2) hold, excusing conditions can show that actions do not reflect the individual's will. The discussion of excusing conditions originated from the free will versus determinism debate. In this section I will track the direction the debate has taken beginning with free will, before moving on to psychological complexity and moral competency.

In §3.3.1 I will briefly discuss the compatibilist and incompatibilist views. I will endorse a compatibilist view, however the arguments put forward in the rest of this thesis are also compatible with libertarianism. I will adopt Frankfurt's (1969) view on this matter and argue that, even if an individual could not have acted otherwise, so long as they acted on the will they wanted to have, they can still be held morally responsible. In §3.3.2 I will briefly discuss the notion of psychological complexity and why this is important for moral responsibility. This will focus solely on the Real Self view. In §3.3.3 I will move onto the idea of moral competency and what this entails. Moral competency centres around the ability to recognise and deliberate on moral reasons for action or inaction.

3.3.1 Free Will and Determinism

In debating moral responsibility, the concepts of free will and causal determinism (hereafter determinism), and how they are either compatible or incompatible with one another, often arise. There are two main camps on the interplay of free will and determinism – compatibilists, who generally argue that free will is possible even in a deterministic world, and incompatibilists, who argue that free will is not possible (or at least likely not possible) in a determined world (Frankfurt, 1969, p.829). It is typically assumed that moral responsibility requires free will, or at least the ability to act freely, and as such the same issues arise for moral responsibility.

In this section I will first outline what determinism is, the worries of the incompatibilist, and the responses given by compatibilists. These worries are typically borne out of the idea that moral responsibility necessitates that the individual had the choice to be able to act in another way than they did. From this, I will present Frankfurt's (1969) argument that this assumption is mistaken as so long as the person can be seen to be acting on their own reasons, the ability to do otherwise is irrelevant. In the conclusion to this section I will make clear my endorsement of Frankfurt's (1969) view and will therefore assume that persons, and specifically for this thesis child soldiers, do not have the excuse of determinism specifically.

The determinist thesis put simply is “that at any time only one future is physically possible” (McKenna and Pereboom, 2016, p.16). Determinism includes the belief that all events are caused by some previously existing states (Van Inwagen, 1975, p.186).⁵³ More precisely, if determinism is true then our actions “are the consequences of the laws of nature and events in the remote past” (Van Inwagen, 1983, p.51). These two aspects, the laws of nature, and the state

⁵³ For determinist views see Caruso (2012), Double (1990,1996), Ginet (1966), and Pereboom (2006).

of the universe at one point in time, fix everything that happens in the universe – everything that happens can therefore never be otherwise. So, if we were to know the exact state of the universe at some point in time, *t*, and we also had knowledge of the laws of nature, we would be able to work out every action and happening in the universe both future and past.

If the universe is determined, and the above is true, then this is a problem for moral responsibility. In a determined world we cannot perform any actions other than those which have already been determined by the previous state of the universe and the laws of nature. As Van Inwagen (1983, p.181) articulates, if no one can be responsible for failing to act, for any event, or any state of affairs, then there can be no such thing as moral responsibility. This problem has been expressed through the principle of alternate possibilities (PAP) – “a person [is] morally responsible for what [she] has done if [she] could have done otherwise” (Frankfurt, 1969, p.829).

Frankfurt (1969, p.829) states that PAP was rarely questioned and has been taken by some to be an *a priori* truth.⁵⁴ PAP has therefore formed a common ground in which the debate between compatibilists and incompatibilists can take place (Frankfurt, 1969, p.829). Incompatibilists argue that *either* determinism is true, and we do not have free will (this is hard determinism), or that determinism is false, and we do have free will (libertarianism).⁵⁵ Conversely, some compatibilists argue that even if determinism is true, there is some sense in

⁵⁴ For a discussion of early compatibilists such as Hobbes, Locke and Mill see Kane (2005).

⁵⁵ The general incompatibilist thesis is along the lines of “it is not metaphysically possible that determinism is true and some person has free will” (McKenna & Pereboom, 2016, p. 30). For accounts of hard determinism see Edwards (1958), and Pereboom (2022b). For libertarian views see Goetz (2008), Hobart (1934), and McCann (1998).

which we could have done otherwise. In short, for a compatibilist the truth of determinism need not mean that every aspect of a person's behaviour is constrained in such a way that she could not have done otherwise.

From these views, a worry about reactive attitudes arises. Under a hard determinist view, the absence of free will would be problematic for the practices of praising and blaming (Wolf, 1993, pp.102-103). If individuals could not have done otherwise, then it seems irrational and inappropriate to praise and blame their actions based on their moral worth (Wolf, 1993, p.103). This initially seems to be a valid worry. If determinism is true, we would arguably be "obliged to give up making and relying on such judgments" (Wolf, 1993, p.104).

A compatibilist may reply that, like the forward-looking account for the appropriateness of reactive attitudes, we should focus on the consequences of the practices of praising and blaming.⁵⁶ The arguments made in §3.2.2 and §3.2.4 therefore come into play – praising and blaming can influence future actions and this can be seen in institutions that incentivise praiseworthy actions and discourage blameworthy ones.

However, again drawing on the arguments against the forward-looking approach in §3.2.2, this reply can be rebutted. Reactive attitudes are not kinds of actions that we can arrive at through practical reasoning of whether or not the consequences of praising and blaming would be beneficial to us (Wolf, 1993, pp.103-104). Instead, reactive attitudes are *judgments* in that we can only really justify them by appealing to the notions of appropriateness and desert. In offering the forward-looking approach as a reply to incompatibilism then, the worry for

⁵⁶ For discussion of blame under a compatibilist lens see Deery (2007), Vincent (2013), and Shabo (2012a).

incompatibilists is only changed to a worry with a forward-looking approach more generally.⁵⁷
The worry is not solved.

Frankfurt (1969), however, takes issue with the very principle of alternate possibilities.⁵⁸ He argues that “a person may well be morally responsible for what [she] has done even though [she] could not have done otherwise”; PAP is therefore false (Frankfurt, 1969, pp.829-830). Instead, Frankfurt (1969) proposes that the ability to do otherwise and the notion of moral responsibility are not as intimately linked as previously thought, and PAP has no authority in determining the moral responsibility of agents. He does this through two arguments; (1) that although we may see PAP as similar to cases of coercion, this is not necessarily the case, and (2) that the ability to do otherwise is not necessary to determine that an agent is morally responsible for her actions (Frankfurt, 1969). I will take each of these arguments in turn.⁵⁹

Frankfurt (1969, p.830) states that when considering cases of PAP, we think of situations where the “same circumstances both bring it about a person does something and make it impossible for [her] to avoid doing it”. It is therefore natural for us to look at cases of coercion as a particular instance of PAP (Frankfurt, 1969, p.831). Moreover, someone who is coerced

⁵⁷ For other replies to incompatibilism see Shabo (2012b).

⁵⁸ Frankfurt’s (1969) work formed a whole new collection of literature based around so-called Frankfurt cases. For discussion of Frankfurt cases see Fischer (2010), McKenna (2008), and Naylor (1984). For a rebuttal of Frankfurt cases see Ginet (1996).

⁵⁹ Mele and Robb (1998, 2003) also offer a counterexample to PAP which they believe overcomes some of the problems Frankfurt cases fall foul to. For reasons of brevity this counterexample is not discussed here. In Mele and Robb’s (1998, pp.101-104) example, the individual makes a decision though an indeterministic casual process to act in some way, however some previous circumstance means she could not have done otherwise. There is also a deterministic casual process within the individual which could cause the same decision at the same time had she not made that decision of her own volition (Mele & Robb, 1998, pp.101-104). For a discussion of why this example is said to fail see Ginet and Palmer (2010).

lacks the freedom to do otherwise, and it is typically agreed that she is not morally responsible for the action (Frankfurt, 1969, p.830).⁶⁰ PAP may therefore derive some of its authority from the fact that we see coercion as necessarily excusing moral responsibility (Frankfurt, 1969, p.831).

Frankfurt (1969, p.831), however, takes issue with the conflation between moral responsibility and being unable to do otherwise. Frankfurt (1969, p.831) argues that whilst it may well be true that in coercion cases the agent is neither morally responsible, nor could she have acted otherwise, it is not the case that the agent is morally responsible *because* she could not have acted otherwise. Considering cases in which Jones is threatened by Black, Frankfurt (1969, pp.831-833) shows why coercion cases are not always particular instances of an agent being unable to do otherwise.

Jones 1: Jones 1 decides to act in a certain way. She is then threatened by Black that if she does not act in this way, there will be a terrible consequence. This consequence is so severe that any reasonable agent would submit to the threat. However, the threat makes no impression on Jones 1 and so has no bearing on her decision-making. Jones 1 acts in the way she has decided.

Jones 2: Same as Jones 1 however, Jones 2 is moved by the threat. Jones 2 is moved by the threat to such an extent that when the time for her decision

⁶⁰ It seems important to note here that the term ‘coercion’ here serves a different purpose to the narrower definition coercion discussed in §7.3. I believe here Frankfurt (1969, p.830) is referring to acts which are forced or performed under the threat of force. Chapter 7 however takes a narrower definition of coercion and excludes cases that are physically forced which are discussed in §7.2. This is an important distinction in this thesis for reasons that will become apparent in chapter 7. What is important here however is that our intuitions about actions that have been forced may be playing a part in our intuitions about PAP.

comes, all she can focus on is the threat and she forgets her previous decision. Jones 2 therefore acts in the way Black demands.

Jones 3: Same as Jones 1 however, the threat makes an impression on Jones 3. If Jones 3 had not already decided to act in this way, then the threat would have influenced her decision. Jones 3 therefore acts in the way she had initially decided to.

(Frankfurt, 1969, pp.831-832)

In **Jones 1**, Black's threat has no coercive force on Jones 1's actions. The attempt to coerce Jones 1 does not affect Jones 1's ability to do otherwise. Conversely, in **Jones 2**, Black's threat *does* have coercive force on Jones 2's actions. So much so that, even if Jones 2 had chosen to act differently initially, once threatened Jones 2 no longer has a choice in how she acts. After being threatened, Jones 2 cannot act in any other way other than the way Black demands. The fact that Jones 2 had already previously decided to act in this way, when other choices were available to her, is irrelevant as she cannot remember this decision and so it does not influence her action in any way (Frankfurt, 1969, p.832). Jones 2 is therefore not morally responsible for her action as she could not have done otherwise *because* she was coerced by Black.

Finally, in **Jones 3**, Jones 3 *would have* regarded the threat had she not already made her decision. Black's threat therefore does not influence Jones 3's decision. However, if Jones 3 had initially chosen to act in another way, it would have and Jones 3 would have acted in the way demanded by Black (Frankfurt, 1969, pp.832-833). Jones 3's action therefore mirrors Jones 1's in that it is a voluntary action unchanged by external coercion. In the **Jones 3** case then, it seems justified to say that Jones 3 is morally responsible for her action, *even though* she could

not have done otherwise, as Black did not intervene.⁶¹ If we argue that Jones 3 is not coerced then, this would entail us to believe that we cannot regard an agent as being coerced, unless the agent acts *because* of an irresistible threat – the simple *presence* of an irresistible threat is not enough (Frankfurt, 1969, p.833).

The other option available to us is to argue that **Jones 3** was coerced. However, in doing this we must admit that there can be instances in which agents can be both coerced to act and also be morally responsible for the same action (Frankfurt, 1969, p.833). This line of reasoning therefore leads again to the conclusion that coercion can only affect moral responsibility if the agent acts *because* she has been coerced. Whichever explanation we choose, however, it is still the case “that the doctrine that coercion excludes moral responsibility is not a particularised version of [PAP]” (Frankfurt, 1969, p.833). Either cases such as **Jones 3** are situations in which an agent is subject to a coercive force are not cases of coercion at all, or they are cases in which the agent is still morally responsible if it is not the coercion that caused the agent to act (Frankfurt, 1969, pp.833-834). This therefore means that when we excuse an agent because they were coerced, this is not because she was unable to do otherwise (Frankfurt, 1969, p.834). What **Jones 3** ultimately shows then is that there can be circumstances that do not bring it about that the agent acts in a certain way, but nonetheless, these same circumstances mean that it is impossible for the agent to avoid acting this way (McKenna and Widerker, 2002, p.3).

If it is not the case that coerced actions are particularised cases of PAP as coercion does not necessarily affect an agent’s moral responsibility, then PAP cannot take some of its authority

⁶¹ Jones 3 could not have done otherwise because if her initial decision was different Jones 3 would have been coerced by Black’s threat. Jones 3 would therefore always act in the way Black demanded.

from its relationship to coercion cases. PAP must therefore rely on some other source of authority other than its link to coercion cases to be relevant to moral responsibility. An objection against **Jones 3** may perhaps be made in that if the coercion Jones 3 faces does not mean that Jones 3 cannot do otherwise as Jones 3 could defy Black's threat and simply accept the penalty for doing so (Frankfurt, 1969, pp.834-835). This objection, however, ultimately does not stand as Frankfurt (1969, pp.835-836) alters the example to tackle his second argument for PAP being false.

Jones 4: Same as Jones 1 however if Jones 4 does not act in the way Black wants, Black can manipulate Jones 4's brain in such a way that Jones 4 will have no choice but to act in the way Black wants. Jones 4 however does decide to act in the way Black wants, and so Black never needs to manipulate Jones 4's brain.

(Frankfurt, 1969, pp.835-836)

In **Jones 4**, what action Jones 4 chooses to perform "is not up to [her]" (Frankfurt, 1969, p.836). Whilst it is true that Jones 4 can choose to act on her own accord or because of Black's intervention, ultimately whether she is inclined to act or not is not a deciding factor, she will perform the action nonetheless (Frankfurt, 1969, p.836). If Jones 4 does choose to act on her own however, her moral responsibility for the action is in no way affected by the fact that Black would have intervened had Jones 4 not have chosen to act in this way (Frankfurt, 1969, p.837). What **Jones 4** shows is that even though an agent could not have acted otherwise, it is not necessarily the case that she acted because she could not have done otherwise. Even if Jones 4 could have acted otherwise, she would have still chosen to act in this way – Black's potential intervention makes no difference to the choice that Jones 4 made. Black's intervention is

therefore irrelevant to Jones 4's decision-making. Frankfurt (1969, p.837) asserts that to assign any weight to Black's potential intervention in assessing Jones 4's moral responsibility is unwarranted; if a fact (Black's potential intervention in this case) had no bearing on an agent's choice to act, then we should not consider it relevant in determining moral responsibility. In short, the freedom of action relevant to moral responsibility should not be conflated with PAP (McKenna and Widerker, 2002, pp.3-4).⁶²

It is for this reason that PAP, in its current iteration, has no authority in determining moral responsibility. If PAP is false then, what does this mean for both compatibilists and incompatibilists? McKenna and Widerker (2002, pp.5-6) examine five implications that follow from this. Space does not permit me to expand on all five of these implications, however, I will instead focus on the two that are most important in relation to moral responsibility. The first is that the falsity of PAP undermines both the incompatibilist's and compatibilist's understanding of the kind of freedom that is relevant to moral responsibility (McKenna and Widerker, 2002, p.5). The second implication is that if PAP is false, incompatibilists and libertarians can no longer explain why agents cannot be morally responsible in a deterministic world (McKenna and Widerker, 2002, pp.5-6). Frankfurt's (1969, pp.838-839) reformulation of PAP offers a solution to both of these implications.

Concerning the first implication, whilst the freedom that PAP invokes seems to be too inclusive, Frankfurt (1969, pp.838-839) offers a reformulation of PAP which retains the notion

⁶² There are of course objections to Frankfurt's (1969) argument for the falsity of PAP, most notably the "flickers of freedom" objection (Kane, 2005, pp.85-86; Fischer, 2011, p.250). However, as Fischer (2011, p.250) argues, the flickers of freedom must be strong enough instances of voluntary action to ground moral responsibility.

that an agent is excused if they acted only because they could not do otherwise without including other irrelevant notions of freedom. PAP* therefore asserts that an agent “is not morally responsible for what [she] has done if [she] did it *only* because [she] could not have done otherwise” (Frankfurt, 1969, p.838).⁶³ PAP* therefore encapsulates the notion from **Jones 4** that if someone could not have done otherwise, and *only* acts in this way *because* she could not have done otherwise, then she is not morally responsible. Conversely, even if she could not have acted otherwise but did the action because she *wanted* to do it, then she is morally responsible (Frankfurt, 1969, p.838). The freedom that is relevant to moral responsibility then is the freedom to act for other reasons.

PAP* also removes the option for hard determinists and libertarians to claim that moral responsibility is not possible in a deterministic world (McKenna and Widerker, 2002, pp.5-6). In fact, compatibilists can agree with incompatibilists that determinism is incompatible with the freedom to do otherwise, however since this kind of freedom is not relevant to moral responsibility, they can deny that agents are not morally responsible in a determined world (McKenna and Widerker, 2002, p.6).

What Frankfurt’s (1969) argument for the falsity of PAP therefore aims to show is that determinism and moral responsibility are compatible. This is the view which I will endorse throughout the remainder of this thesis. This is not to say however that the arguments put forward in this thesis are not relevant to incompatibilists, in particular libertarians. As libertarians believe the world is not determined and we are in fact free, they also endorse the

⁶³ Emphasis added.

possibility of agents being morally responsible. It is only the view of hard determinists, which this section has argued against, that the discussions in this thesis will be of no relevance. Since hard determinists do not believe that agents can be morally responsible for their actions, a discussion of the moral responsibility of child soldiers is of no relevance to them.

Having put the matter of free will and determinism relatively to rest, in what follows I will outline other possible exempting conditions for moral responsibility. In the next sections, I will introduce the ideas of psychological complexity and moral competency as necessary conditions for an agent to be morally responsible.

3.3.2 *Psychological Complexity*

If, as I have argued in line with Frankfurt (1969) in the previous section, moral responsibility does not require the ability to do otherwise, I must therefore give an account of what moral responsibility *does* require. Kane (2005, p.93) notes that, whilst traditional compatibilist arguments focus on external constraints on freedom, there can also be internal constraints on our wills “such as addictions, phobias, obsessions, neuroses, and other kinds of compulsive behaviour”. Psychological constraints such as these not only affect what we want but our ability to “*will* what we want” (Kane, 2005, p.94).

In chapter 4 of this thesis, I will attempt to identify just what it means to be able to ‘will’ what we want. Drawing on Real Self views of moral responsibility, I will argue that an agent must be able to do two things to meet the condition of psychological complexity for moral responsibility: (1) the capacity to form desires on the basis of their real self, and (2) the capacity to intentionally act in the way they planned even when they face urges to the contrary. In doing

so, I will argue that if someone is unable to do these two things, they are exempt from moral responsibility. That is, they are not a morally responsible agent. Psychological complexity is one of two exempting conditions I will discuss in this thesis.

3.3.3 *Moral Competency*

The other exempting condition this thesis unpacks is moral competency. The Real Self view states that a person is morally responsible “if and only if she is able to form her actions on the basis of her values” – they must have a degree of psychological complexity (Wolf, 1990, p.75). However, Wolf (1990, p.75) argues that we must also be concerned with the person “is able to form her values on the basis of what is True and Good”; that is to assess a person’s moral responsibility we must also assess their moral competence in terms of (1) their rationality and (2) their ability to conform to legal, and more importantly, moral norms.

To further understand these conditions on moral competence Kane (2005, p.102) asks us to consider David Berkowitz, ‘Son of Sam’, the notorious serial killer who believed he was being told to kill by his neighbour through his dog. Berkowitz believed he was hearing voices and was compelled to obey them (Kane, 2005, p.102). Because he followed these voices we can clearly see that Berkowitz was not acting rationally. Moreover, Berkowitz is incapable of forming his values in line with moral and legal norms (Kane, 2005, p.102). To use Wolf’s (1990, p.75) terminology, Berkowitz was incapable of forming his values “on the basis of what is True and Good”. Kane (2005, pp.102-103) however does clarify that this does not mean that people like Berkowitz should go free because they are not morally responsible for what they do. Similar to a carrier of a deadly disease, we would quarantine the carrier for an unspecified

period of time as they are a danger to others if we were uncertain of a cure, and this bears no more of “an assault on our notion of autonomous moral being” than quarantine does (Schoeman, 1979, p.27). In the same way, those who are a danger to society because they do not think rationally and therefore do not obey moral and legal norms can legitimately “be confined against their wills if a cure is unlikely or uncertain” (Kane, 2005, p.102). This in no way deems the disease carrier or Berkowitz as morally responsible for their action, but is rather to protect others from persons who cannot help but harm others (Kane, 2005, p.102). As alluded to by Kane (2005, pp.102-103) then, persons who do not take into account moral norms cannot be held morally responsible for their actions.

I believe Wolf (1990, p.75) is correct in stressing the importance of sanity and the ability to follow moral and legal norms as conditions of moral competency. Not only do we see these conditions stressed in criminal proceedings, but it also seems fairly intuitive that we would not blame someone for their actions if they were incapable of acting on the True and the Good. In particular, it is not the case that an agent must do the right thing for the right reasons in order to be morally responsible for their actions – it is the capability to recognise and act upon the right reasons that is important (Wolf, 1990, p.81). An agent is therefore still morally responsible for her actions even if she does not exercise her “ability to do the right thing for the right reasons” and chooses to act differently (Wolf, 1990, p.81). This idea will be further explored in Chapters 5 and 6 specifically in relation to child soldiers.

In this section, I have begun to outline the importance of an agent recognising and responding to moral norms. Using Wolf’s (1990, 67-93) Reason View of moral responsibility, I have considered how sanity and normative competence can affect the moral competence, and thus the moral responsibility, of an agent. These concepts will form the basis of Chapter 5 in

the discussion of the moral competence of child soldiers. In the remaining sections, I will move on to the five excuses that can be said to diminish moral responsibility; ignorance, force, coercion, duress, and manipulation.

3.4 Excusing Conditions

So far, I have outlined three potential exempting conditions for moral responsibility: determinism, psychological complexity, and moral competency. Even if these exemptions do not hold for a particular agent however, they may nevertheless not be morally responsible for their actions. An agent's moral responsibility may still be excused, even if they are not exempt from moral responsibility. Fischer and Ravizza (1998, p.12) argue that there are two general umbrella terms for excusing conditions under which all specific excuses can be categorised. These conditions of ignorance and force can arguably be traced back to Aristotle.⁶⁴ The next two sections (§3.4.1 and §3.4.2) will deal with these two excusing conditions. I however tend to disagree with Fischer and Ravizza (1998, p.12) that all specific excusing conditions can be categorised as either cases of ignorance or force and include a further condition of manipulation in §3.4.3.

⁶⁴ Whilst discussion of these conditions can be found in Aristotle's work (Nicomachean Ethics, 1109b30-1111b5), Fischer and Ravizza (1998, p.12) do note that it is unclear whether Aristotle's concept of moral responsibility is in line with our modern understandings.

3.4.1 *Ignorance*

Ignorance seems to excuse moral responsibility precisely because the agent did not know the context in which they performed the action. To give a classic example of factual ignorance, you push a switch when you enter a room believing it is a light switch, but it is actually attached to a machine which kills the people in the next room. Our intuitions in cases like this may be skewed by considerations of negligence (could you have known the switch was not a light switch?), however with this possibility removed it seems that we would not want to hold you responsible for their deaths. Can the same be said for moral ignorance? Chapter 6 will explore the role of moral ignorance as a potential excusing condition of moral responsibility, before moving on to a discussion of what moral norms child soldiers can be expected to know given their age and situation, and how this may excuse their responsibility to an extent.

3.4.2 *Coercion, Force and Duress*

Moral responsibility may also plausibly be excused because of the situation in which the action is performed, and the actions of other individuals around them. For example, physical force, threat of physical force, or even the societal context in which an agent acts intuitively feel relevant to whether they were morally responsible for their actions. In the first half of chapter 7, I explore two related excusing conditions – force and coercion. Using various cases, I will present a distinction between cases of physical force and the threat of force (coercion) to argue that the Real Self view offers us an account of why agents who are physically forced are not morally responsible in that situation. Drawing on Aristotelean distinctions between voluntary and involuntary actions, I will outline why coerced agents may not be fully excused of their

moral responsibility. Finally, this will move to a related discussion of duress – broadly a kind of coercion by the situation.

3.4.3 *Manipulation*

Mele's (1995, p.145) famous case of Ann and Beth, in which Beth's brain is manipulated to replicate Ann's brain in the relevant way so that she now has the same beliefs as Ann. Even though Beth now endorses these beliefs wholeheartedly, as they have been imposed on her as she has been brainwashed, how can we blame Beth for her behaviour? After all, her actions do not reflect her real self. There is however perhaps a precedent to suggest that because her real self has been altered, Beth does truly endorse her actions. Manipulation cases therefore bring out issues about what role agential history – that is how your beliefs and desires were formed – plays in moral responsibility. This is what the second half of chapter 7 will focus on. I will aim to make sense of cases like Ann and Beth.

3.5 Conclusion

In this chapter I have broadly sketched the main views and debates from within the moral responsibility literature. I have defined moral responsibility as the appropriateness of reactive attitudes and distinguished between the practice of holding someone responsible and their actually being morally responsible. I have argued for a neo-Strawsonian approach to the appropriateness of praise and blame. I believe there must be one major revision to Strawson's (1993) approach in that the practice of reactive attitudes can be mistaken when we do not take

into account exempting and excusing conditions of moral responsibility. We should use the practice of holding individuals responsible as an initial indicator of their moral responsibility but should also take into account excusing conditions that may diminish their moral responsibility. The rest of this thesis will focus on these exempting and excusing conditions specifically in the case of the moral responsibility of child soldiers.

4. Psychological Complexity

4.1 Introduction

The way in which I have summarised and defended my view of moral responsibility in the previous chapter gives way to two main kinds of conditions on moral responsibility: those which exempt an agent from being morally responsible, and those which excuse their moral responsibility in a certain situation. Exempting conditions are those which affect the decision-making capabilities of an agent - for example, the age and mental capacities of an agent. Conversely, excusing conditions may affect the decision-making of an agent in a particular instance – without the influence on their moral decision-making, the agent would have acted differently.

In this chapter I outline one of the exempting conditions of moral responsibility I have identified and discuss this specifically in relation to the moral responsibility of child soldiers. This chapter will be split into two main sections. §4.2 deals with psychological complexity as a necessary feature of a morally responsible agent generally. Using different accounts of the Real Self view I will argue that, for an agent to be morally responsible, their actions must flow from their real self – that is agents must have the capability to *decide* which course of action to take rather than simply following only their instinctual compulsions and desires. I argue that Real Self views all share this view under different guises. Essentially, for an agent to be morally responsible the action they take must have, all other constraints considered, been the action they intended to take in the circumstances.

From this, in §4.3 I apply this account of psychological complexity to the moral responsibility of child soldiers specifically. This section will work through two main

considerations: in §4.3.1 child development generally, and in §4.3.2 the effects of trauma on child development. I will argue that, whilst these considerations are important, if a child soldier can be seen to have intended to act in the way they did (if the action flows from their real self), then they have the necessary psychological complexity to be morally responsible. However, the reality of the situation for many child soldiers is much more complicated than simply assessing whether they are psychologically complex enough to be deemed morally responsible. As such, psychological complexity is but one important dimension of the landscape of their moral responsibility. In more philosophical terms, psychological complexity is necessary but not sufficient for moral responsibility.

4.2 Psychological Complexity and its Role in Moral Responsibility

As I have already outlined in §3.3.2 of the previous chapter, the Real Self view stems from considering agents whose actions are attributable to them but who may not be accountable for these actions.⁶⁵ The distinction between attributability and accountability suggests that something more is needed for an agent to be truly responsible for the action. I argue that this gap can be filled by Real Self views of moral responsibility. For someone to be accountable for the action, the action must flow from their real self.

⁶⁵ Recall the distinction between responsibility-as-accountability and responsibility-as-attributability made by Watson (1996), and which I have defended in §3.2.1. An individual may therefore have committed the act physically for example, but this was not done in any meaningful way.

Frankfurt (1971) famously invokes the example of an unwilling drug addict here – addicts perform actions but these actions stem from uncontrollable desires that are not endorsed by their real self.⁶⁶ Unwilling drug addicts are therefore Frankfurt’s (1971) own understanding of what it means for an action to flow from an agent’s real self has had many iterations including a hierarchy of desires, and holding a desire *wholeheartedly*. Watson (1975) also holds a similar view in that the relevant desires that move an agent to act must be in line with her valuational system. I ultimately argue that all these accounts agree, importantly for psychological complexity, that an agent must have a real self that is able to regulate their desires and actions. These accounts show that for an agent to be morally responsible they must possess some self-governing mechanism and only disagree about the precise nature of this mechanism.⁶⁷

In what follows I will briefly outline each of these views. In §4.2.1 I will argue that Frankfurt’s first iteration of the Real Self view has a fatal flaw in that the hierarchy it creates can become an infinite regress with no way of deciphering why the specified n^{th} -order desire is the one which constitutes the agent’s real self. Because of this, in §4.2.2 I will introduce Watson’s (1975) evaluative judgments account which aims to address this concern. For Watson (1975), an action flows from an agent’s real self if and only if it aligns with their values and moves them to act. In §4.2.3 I will contrast this account with Frankfurt’s final iteration of the Real Self view as holding a desire wholeheartedly. Finally, in §4.2.4 I will argue that these accounts all aim to show, at least in terms of psychological complexity, that an agent must be

⁶⁶ I will explain this example in more detail in §4.2.1.

⁶⁷ I will not favour any Real Self account over another here. Instead, the point of this chapter is to ascertain that such a mechanism is required for a person to be psychologically complex in the ways needed to be morally responsible.

able to (1) form desires that are more than merely instinctual, and (2) aim to act in the ways they intend. I will argue that for an agent to be morally responsible then, they must have these two necessary capabilities as they must possess this level of psychological complexity. Conversely, if an agent does not meet these two conditions of psychological complexity, they are exempt from moral responsibility.

4.2.1 *Frankfurt's Hierarchy of Desires*

In this section, I will first explore the distinction between first-order and second-order desires, before explaining how they interact with each other through the cases of the willing and the unwilling drug addicts. I will also introduce Frankfurt's (1971) concept of a 'wanton' – a person who does not have second-order desires. Frankfurt (1971) uses these cases to show that agents must have a certain level of psychological complexity - they must be able to form and act upon second-order desires – in order for them to be morally responsible.

To better understand the psychological complexity of agents, Frankfurt (1971, pp.6-7) draws a distinction between "first-order" and "second-order" desires. A first-order desire is any desire which is not *for* a desire (i.e., not a desire to desire something as it were). These desires take the form of 'Dan wants to play with a ball' in that 'play with a ball' refers to a specific action or object (Frankfurt, 1971, p.8).⁶⁸ A statement in this form, however, gives no indication

⁶⁸ Frankfurt (1971) uses the terms 'wants' and 'desires' interchangeably. I believe it may be useful to understand wants as a collection of desires and urges, with desires being those wants we truly want to act upon (for Frankfurt (1971) this would of course be second-order desires), and urges being those wants which we cannot control (like

as to how strong Dan's desire to play with a ball is (Frankfurt, 1971, p.8). It may well be the case that Dan wants to do many different actions, many of which could conflict with each other. Dan's desire to play with a ball may simply be one of many desires and could be outweighed by a stronger desire for something else (Frankfurt, 1971, p.8). For example, Dan also wants to play with a skipping rope but cannot play with both the ball and the skipping rope at the same time. The statement 'Dan wants to play with a ball' therefore is not the whole picture of Dan's desires at that time.

Conversely, second-order desires are desires *about* desires and thus take a similar form. But, in stating that 'Dan wants to desire to play with the ball', the statement refers to a desire to desire some action or object (Frankfurt, 1971, pp.8-9). A second-order desire is invoked then "either when [she] wants simply to have a certain desire or when [she] wants a certain desire to be [her] will" (Frankfurt, 1971, p.10). It is the interplay of first-order and second-order desires according to Frankfurt (1971) which can show whether or not an action truly reflects an agent's will.

Before continuing, it is important to note, particularly in relation to psychological complexity, that Frankfurt (1971, p.6) argues that being able to have second-order volitions is what makes us agents. As agents we are capable of "reflective self-evaluation" – we are able to

the first-order desire of the unwilling drug addict to take the drug). This semantic difference I would like to make however does not have any bearing on the underlying point of Frankfurt's (1971) work. Frankfurt's (1971) hierarchy of desires is ultimately only trying to show that it is not enough for an agent to simply want something – they must want it in the right way.

reflect upon, and even change, our desires rather than always acting only on instinct (Kane, 2005, p.94).

To motivate the Real Self view and the interplay of first and second-order desires, Frankfurt (1971) gives the cases of unwilling and willing drug addicts, and the wanton paraphrased here:

Unwilling Drug Addict: The unwilling drug addict has two conflicting first-order desires – both to take the drug and to not take the drug. However, she also has a second-order volition that her first-order desire to take the drug does not move her to take it, and that her first-order desire to not take the drug will constitute her will.

(Frankfurt, 1971, p.12)

Willing Drug Addict: Same first-order desires as **Unwilling Drug Addict**, however her second-order volition is to take the drug. So much so, that if her addiction weakened in any way, she would do what she could to reinstate it.

(Frankfurt, 1971, p.19)

Wanton: Same first-order desires as **Unwilling Drug Addict** and **Willing Drug Addict**, however she is not concerned with whether the desires which move her to act are desires she wants to be moved by.

(Frankfurt, 1971, p.12)

It is argued that the **Unwilling Drug Addict**, is not morally responsible for taking the drug (Sripada, 2017, p.782). Her behaviour is “compulsive” rather than flowing from her real self, and so the unwilling addict lacks freedom *of will* – “[she] cannot make [her] will ... conform to [her] second-order volition to resist taking the drug” (Kane, 2005, p.94). This is not to say that the unwilling drug addict does not act upon her desire – she has a first-order desire to take the drug – but that the identity of the agent’s real self can be found in their second-order volitions (Frankfurt, 1971, p.13). Because the unwilling drug addict is acting against her second-order desires, it is Frankfurt’s (1971, p.13) assertion that the unwilling drug addict acts against her will.

Under Frankfurt’s (1971, p.13) view, an agent is only morally responsible for her actions if her will is the will she wants to have. The first-order desire on which they act must be in line with their second-order volition – they must desire to have that first-order desire. This is shown in the case of the **Willing Drug Addict**. It is both a first-order desire of the willing drug addict (as she desires to take the drug), and a second-order volition of hers to *want to want* the drug (Frankfurt, 1971, p.19). We would therefore conclude that when the willing drug addict decides to take the drug on a second-order volition, she has made this will her own and is thus morally responsible for taking the drug (Frankfurt, 1971, pp.19-20).⁶⁹ In short, in having a second-order volition for the first-order desire to be effective, the willing drug addict *makes* it her will (Frankfurt, 1971, p.20).

⁶⁹ It can be argued that the willing drug addict could not act in any way other than taking the drug because she suffers from addiction – her will to take the drug is not free as her first-order desire to take the drug will always move her to act. I will not comment on the nature of addiction and its bearing on psychological complexity here.

These cases essentially show how an agent can be seen to be acting upon her desires whilst also not being morally responsible for her actions. Under this version of the Real Self view, moral responsibility requires an agent's second-order volitions to be effective in moving an agent to action. If they are, as in **Willing Drug Addict**, then it is appropriate to see the agent as morally responsible. In contrast, if the second-order volition is unsuccessful in overcoming a first-order desire, as in **Unwilling Drug Addict**, the agent is not acting on their will and is therefore not morally responsible.

For the **Wanton**, if she encounters a problem in which she cannot get hold of the drug or cannot administer it to herself, she may deliberate between her first-order desires of both wanting and not wanting to take the drug (Frankfurt, 1971, p.12). However, the wanton has no concern about whether the will she has is in fact the will she wants to have. This example reiterates Frankfurt's (1971, p.6) assertion that those who cannot act upon, or have no concern in acting upon, their second-order desires are not agents. Since the Wanton is not concerned with the content of her will, her lack of inclination for one first-order desire over the other is not because she cannot "find a convincing basis for preference" for either (Frankfurt, 1971, p.13). Instead, this lack of preference is either because she lacks the capacity to reflect on her will (she cannot form second-order desires), or she is simply indifferent to assessing her desires (Frankfurt, 1971, p.13). Whichever first-order desire proves stronger will therefore be the desire the Wanton acts upon. Unlike either the willing or the unwilling drug addict, when the Wanton acts, she is neither moved by a will she wants to have or does not want to have – she is unconcerned by her will (Frankfurt, 1971, pp.13-14). We therefore cannot hold the Wanton responsible as she symptomatically fails to form higher-order volitions.

These three cases show that, in order for an agent to be morally responsible under Frankfurt's (1971) view, agents must have second-order volitions which they can successfully act upon. From this view, several objections and reformulations have been made.⁷⁰ The objection most important for discussions of psychological complexity, however, asks why we should stop at second-order volitions – it is possible to conceive of third or even fourth-order desires and so on which could motivate an agent to act. This is “the problem of infinite regress” (Watson, 1975, Stump, 1996, p.184). I will discuss this criticism in the next section.

4.2.2 *Watson's Evaluative Judgments Account*

As I have alluded to in the previous section, there is a criticism typically pitted against Frankfurt's hierarchy account in that it is possible to conceive of n^{th} -order desires with no end. As such, if as Frankfurt (1971) suggests it is the ability to form and act upon second-order desires which distinguishes agents from wantons, why can we not also suppose that our agency rests upon some other, higher, n^{th} -order desire (Stump, 1996, p.184)?⁷¹ Moreover, even if we

⁷⁰ Most notable is Fischer and Ravizza's (1998, pp.194-201) addition of the importance of an agent's history as a condition for moral responsibility. The argument goes as follows; it may be the case that we could bring about the right kind of relationship between first and second-order desires in an agent through manipulation, perhaps through brainwashing or in the case of a drug addict, forced drug use in the first instance which causes an addiction (Fischer & Ravizza, 1998, pp.194-198). In cases such as these, even when an agent's first and second-order desires have the right kind of relationship, the way the agent has come to have this second-order volition is not, in a sense relevant to moral responsibility, under her control (Fischer & Ravizza, 1998, p.197). I will discuss this argument, amongst other similar discussions, further in Chapter 7 in relation to manipulation.

⁷¹ It must also be noted that this criticism is also motivated by conflicts that can arise in second-order desires. For example, in **Unwilling Drug Addict** the drug addict has a conflict in the second-order as the first-order desire to take the drug produces a desire to desire the drug which conflicts with her desire to not desire the drug. This is an important aspect in Watson's (1975, pp.205-220) account. Watson (1975, pp.205-220) does not dispute the existence of second-order desires but rather argues that they are generated from the special nature of certain first-

do decide on some number for the n^{th} -order desire which shows the action flows from the agent's real self, since this is merely chosen, why cannot it not be the case that first-order desires have this power also? Watson (1975, p.218) articulates this thought:

Since second-order volitions are themselves simply desires, to add them to the context of conflict is just to increase the number of contenders; it is not to give a special place to any of those in contention.

(Watson, 1975, p.218)

In Frankfurt's (1971) original hierarchy of desires, it is not clear why second-order desires have the power to give us agency – nor is it clear why other higher-order desires in an infinite regress cannot have this power instead. Put simply, there does not seem to be any special feature of second-order desires that gives them this force. To overcome issues such as this, other accounts of the Real Self view which are not hierarchical in nature have been developed. Watson (1975) developed one such account. Watson (1975, p.219) does not deny that there is some distinction within the decision-making processes of morally responsible agents but simply draws the distinction in a different place. Instead of the distinction being between first and second-order (or even n^{th} -order) desires, Watson (1975) places the distinction as being between the sources of motivation. In what follows I will unpick this distinction before comparing this view to Frankfurt's wholeheartedness account in §4.2.3. In developing a distinction between values and desire, Watson (1975, pp.210-212) sets out examples that show the interplay

order desires (this is why typically addicts have the desires they desire to have – their addictions as a first-order desire tend to produce the related second-order desire).

between values and motivations. Essentially, this account aims to show that actions flow from the agent's real self when agents are motivated to pursue the action they value the most.

Watson (1975, p.210) first makes a distinction between valuing and desiring which I believe to be the root of Frankfurt's (1971) own distinction also.⁷² Essentially, an agent can desire something without valuing it in any way. For example, a tennis player desires her opponent to be injured but in no way *values* this. The tennis player does not value the suffering of her opponent (she does not want her to feel pain), and only desires her opponent to be injured so she can win the game (Watson, 1975, p.210). As Watson (1975, p.210) notes, the tennis player is not assigning "an initial value which is then outweighed by other considerations"; she simply assigns no positive value to her opponent's suffering in the first place. Whilst situations in which an agent desires something she places no value on may be most noticeable in impulses such as in the tennis example, they can also be seen in more persistent desires – for example the **Unwilling Drug Addict**. It is not that the addict places any value on taking the drugs she desires, but that she cannot help but desire to take the drugs.

So far, I have conceded that there must be a distinction between what we desire, and what we value (or desire to desire if we endorse the hierarchy of desires view). However, this is not the relevant distinction for Watson. Where these two accounts from Frankfurt (1971) and Watson (1975) come apart is in Watson's (1975, p.215) distinction between an agent's *valuational system* and their *motivational system*. For Watson (1975, p.215) the valuational system "is that set of considerations which, when combined with [her] factual beliefs (and

⁷² This is a thought I will return to in §4.2.4.

probability estimates), yield judgments of the form: the thing for me to do in these circumstances, all things considered, is *a*.” In short, an agent’s valuational system is the principles and aims that guide them through life – their conception of the good life to put it in Aristotelian terms. Essentially, the valuational system of an agent is what they use to rank desires in terms of worth – they rank their desires against what they hold to be valuable for their conception of a good life.

By contrast, the motivational system is what moves the agent to act. An action flows from the agent’s real self if they are moved to act by their evaluative judgments (that is, if their valuational system instructs their motivational system) (Watson, 1975, pp.215-216). This may seem relatively intuitive and appear to be the case in every action an agent commits – to want to do something is to value it and therefore by motivated to act. However, agents can be motivated by factors other than what they value. – for example, by a desire as in **Unwilling Drug Addict**, or urges which the agent cannot resist. In these cases, according to Watson (1975, pp.215-216), the action cannot be seen to flow from the agent’s real self as they do not value the action themselves.⁷³ In what follows I will compare this view to Frankfurt’s (1993) revised view of the real self as holding a desire wholeheartedly.

⁷³ It may be the case that the agent values something else which makes the action valuable to them. For example, whilst an agent may be forced to kill another person by an evil actor, if this is done under the threat of the agent’s own life (something which they value) being taken if they do not it could be said that the agent valued the action. In these cases, I argue it seems that the action does flow from the agent’s real self and so they are not exempt from moral responsibility on the grounds of a lack of psychological complexity. However, excusing conditions, in this case coercion or force, may still apply so as to excuse the agent’s moral responsibility to some extent. I will return to these excusing conditions in Chapter 7.

4.2.3 Frankfurt's Wholeheartedness Account

In the previous section, I outlined Watson's (1975) theory of psychological complexity as evaluative judgments as a response to the criticism pitted against Frankfurt's original account of the real self. Frankfurt (1993) himself, however, reformulated his account in light of such criticisms. As the case of the **Unwilling Drug Addict** shows, different inner conflicts can arise between how an agent wants to be motivated and what an agent desires. Frankfurt (1993, p.185-187) moves from arguing that the *strength* of the desire is what is important (as in what nth-order desire it is), to arguing that it is the *cohesion* between the desires – that the agent holds the desire *wholeheartedly*. What does it mean to hold a desire wholeheartedly? Frankfurt (1993, pp.185-186) states, contrary to his previous stance, that it is not that the higher-order desires have the first-order desires as their object but rather that overall, the desires are harmonious. In short, an agent can still hold a desire wholeheartedly even if there is a conflict with another desire - the desire they hold wholeheartedly must only be generally cohesive with their other desires.⁷⁴ It seems important to note that which desire an agent holds wholeheartedly need not be consistent across different situations – one desire may become more pressing in one situation than it was in another. What the agent holds wholeheartedly is simply the desire that fits with their mental landscape best in that situation.

As I understand Frankfurt (1993, pp.185-186), it is the very process of an agent being able to 'make up their mind' which gives them the necessary psychological complexity needed

⁷⁴ It would be unreasonable, and perhaps even impossible, to suggest that an agent must have no conflicting desires. As people we often have many desires we do not act upon – for example we may feel a compulsion to push someone we love that seemingly comes from nowhere. We do not usually act on compulsions like this and under Frankfurt's (1993) view this would be because we do not hold the desire to push our loved one wholeheartedly.

for agency (and thus to be held responsible). We cannot merely deliberate between two higher-order volitions and eliminate those which conflict to make a decision (Frankfurt, 1993, p.186). Instead, when an agent ‘makes up their mind’ they are not simply choosing which desire to hold wholeheartedly, the process of deliberation is more reflexive and involves more than just choosing which desire to implement. This is the psychological complexity which distinguishes agents who have the capacity to be morally responsible, from those who cannot.

4.2.4 *Conclusion*

These accounts, specifically Watson’s (1975) evaluative judgments account and Frankfurt’s (1993) wholeheartedness account, share the notion that an agent must have a degree of psychological complexity in order to be generally morally responsible. For the purposes of unpicking the type of psychological complexity needed for moral responsibility, I do not particularly favour either Watson’s or Frankfurt’s account over the other. This is because the psychological features that I believe to be necessary for an agent to be morally responsible are presented in both. Essentially what these two accounts both maintain is that for agents to be generally morally responsible, it is not enough to merely establish a causal connection between the agent and the action - they must also be capable of forming and actively regulating their desires. Where their differences lie is in the mechanism that enables agents to form and actively regulate their desires.

More specifically, an agent must meet two capability features to have the necessary psychological complexity to be morally responsible both generally (the agent must have these capabilities to be a morally responsible agent) and for specific actions (the agent must have

acted using these capabilities to be morally responsible for the action). These two features are (1) the capacity to form desires on the basis of their real self, and (2) the capacity to intentionally act in the way they planned even when they face urges to the contrary. Both Watson's (1975) evaluative judgments account and Frankfurt's (1993) wholeheartedness account include these features even though the mechanism by which an agent achieves (2) is different. For both Watson and Frankfurt, and indeed any Real Self view, an agent must be able to form desires that go further than their innate, primal urges, thus satisfying (1). For example, unlike the **Wanton** perhaps, an agent must be able to make choices about which desires they will follow. The mechanism for (2) under Watson's view is achieved when the action both fits within their valuational system and moves them to act. For Frankfurt, (2) is satisfied because the agent holds the desire to act in this way wholeheartedly.

The capacity to act intentionally even when faced with temptations to act otherwise does not mean that the agent must *always* act in ways that are in line with their volitional system or that they desire wholeheartedly. After all, as agents we often act on compulsion for example when we eat or drink. Instead, it is the ability to form, evaluate and execute their desires which gives agents the necessary psychological complexity to be morally responsible. Furthermore, because of the distinction between being generally morally responsible and being morally responsible for a specific action which I have introduced in Chapter 3, it is when an agent acts upon those desires that are in line with her volitional system or that she holds wholeheartedly that she has the necessary psychological complexity to be morally responsible for that action specifically.

In conclusion, it does not matter which account we pursue (at least in terms of psychological complexity) as they both share these two features: the morally responsible agent has (1) the

capacity to form desires, and (2) the capacity to intentionally act in the way they planned whilst resisting urges to the contrary. Essentially for an agent to have the necessary psychological complexity to be morally responsible they must be able to make decisions and intentionally act upon them under these conditions. In the final section, I will apply this account of psychological complexity to child soldiers to show that child soldiers are not exempt from moral responsibility due to a lack of psychological complexity.

4.3 Psychological Complexity in Practice

So far in this chapter, I have outlined two conditions needed for an agent to be sufficiently psychologically complex as to be morally responsible for their behaviour (other things being equal). In this section, I will apply these conditions to child soldiers specifically. In §4.3.1, I will summarise the current thinking on the psychological development of children, and more specifically the current understanding of the adolescence stage. I will argue that adolescents, in general, meet the two conditions: they have a capacity to form desires on the basis of their real self (desire condition) and a capacity to act upon them even when facing urges to the contrary (control condition).

In §4.3.2, I will discuss the impact of trauma on the development of psychological complexity. I will begin with an account of some of the trauma-related issues that have been recorded in child soldiers, before outlining their effect on child development. This section will focus on three main trauma-related development issues: problems with emotional responses, dissociation, and cognition. I will conclude that whilst these developmental differences are relevant to moral responsibility, we cannot generalise that all child soldiers are not morally

responsible because they do not possess sufficient psychological complexity due to these possible issues alone. Much in the way that we generalise that adult combatants are usually morally responsible until we have reason to believe otherwise, I will argue that concerning the psychological complexity of child soldiers, since adolescents generally meet the conditions needed for moral responsibility, we should also assume that they meet the conditions unless shown otherwise in particular cases.

4.3.1 Child Development

There are two conditions that an agent must meet to have the necessary psychological complexity to be morally responsible: the desire condition, and the control condition. In this section, I will examine the ways in which the development of children and adolescents can be seen to meet (or not meet) these conditions. I will begin with a discussion of anecdotal evidence from everyday situations about the ways in which children and adolescents make decisions and support these decision-making capabilities with evidence from psychology. I will argue that this evidence supports the idea that children and adolescents meet the first condition of psychological complexity – the desire condition.

I will then outline a concern present in the current literature that adolescence (the stage of most child soldiers) is a unique developmental stage. This stage is unique in the sense that it is characterised by suboptimal and/or risky decision-making (Casey et al., 2008, Blakemore and Robbins, 2012). There is therefore a concern that in this stage adolescents do not meet the second condition of psychological complexity – the control condition. I will respond to these concerns, however, with three distinct but linked arguments. In the first instance, I will argue

that for the control condition to be met an agent only needs to have the ability to resist urges – it is not a requirement that the agent always resists urges (and indeed we would not find any fully competent adults who resist *all* urges to the contrary). The second argument addresses the concerns around adolescents specifically. I will argue that, even if their ability to resist urges is weaker than a fully competent adult's, this does not mean that they do not meet the control condition, only that they do not meet it as fully as other agents. Finally, I will also argue that the ability to meet these two conditions of psychological complexity is individual rather than collective. As such, whilst I hope to have shown that we can assume that adolescents do *generally* meet both the desire and control conditions, we must assess each agent on an individual basis. I will then apply these considerations to child soldiers specifically.

Children and adolescents make decisions every day. From choosing what GCSEs to take at 14 years old, or making medical decisions (provided they are deemed Gillick competent) (NHS, 2019).⁷⁵ And these decisions need not be as weighty as those that affect their future - we allow children and adolescents to make smaller decisions (such as what to wear, what to eat, and what to spend their pocket money on) without considering that they may not have the capacities to make these decisions. In fact, we often encourage children to make these decisions for themselves as they develop to improve their confidence and decision-making skills. For example, a teen choosing what to study for their GCSEs not only must consider their initial urges, but also what they want for the future including further study and the career path their decisions may lead to. These examples go some way to show that children, and in particular

⁷⁵ Gillick competency is the notion in healthcare that under 16s are allowed and able to give consent for medical treatment provided they are believed to have enough intelligence and understanding to appreciate what is involved in said treatment.

adolescents, have the capacity to form desires based on their real self every day, and thus meet the desire condition of psychological complexity.

It could be argued that we allow children and adolescents to make these kinds of decisions (with guidance) to improve their decision-making skills, but that they are not yet fully competent in doing this and therefore do not meet the desire condition. However, it is not simply anecdotal evidence that supports children (and of course adolescents) meeting the desire condition. The famous Stanford marshmallow experiment is often invoked as a marker of whether children are able to delay gratification to get a bigger prize and therefore, in my words, meet the desire and even control conditions.⁷⁶

So far, I have suggested that both children and adolescents meet the desire condition of psychological complexity. But this alone is not enough to be deemed sufficiently psychologically complex to be morally responsible – agents must also meet the control condition. In what follows, I will outline the concern within psychology literature that the risky decision-making that characterises the developmental stage of adolescence shows that adolescents do not meet the control condition.

It is typically argued that adolescence is a distinct stage of development and not simply the stage between a linear development from child to adult. Sarah-Jayne Blakemore and Trevor W. Robbins (2012, p.1184) define adolescence as “the period of life that starts with the biological changes of puberty and ends at the time at which the individual attains a stable,

⁷⁶ The Stanford Marshmallow experiment asked children to resist a single marshmallow as a researcher left the room. If they resisted, they would be rewarded with a greater reward – two marshmallows (Mischel, cited in Winerman, 2014, p.28).

independent role in society”. B. J. Casey, Sarah Getz and Adriana Galvan (2008, p.62) also argue adolescence is a distinct stage of development. They argue that the development from childhood to adulthood is not linear because the behaviour of adolescents does not show a mere maturing from childhood into adulthood, but rather their risky actions and decisions suggest different rates of development in different brain regions (Casey et al., 2008). Blakemore and Robbins (2012) also conclude this – they argue that impulse control and response inhibition develop in a linear way, but the development of the reward system is nonlinear. Using various research studies using fMRI scans, Casey et al. (2008, p.73) conclude that “structural and functional changes in frontostriatal regions [...] seem to parallel increases in cognitive control and self-regulation”. These observed changes seem to show that activation of the prefrontal regions becomes more focused over time, and subcortical regions experience increased usage during adolescence (Casey et al., 2008, p.73). Whilst neuroimaging alone cannot explain psychological development, Casey et al’s (2008) research does go some way in showing that adolescence is a distinct developmental stage and that this may be because of the way the brain develops.

If an adolescent brain is therefore developing in a distinctive way, what effect does this have on their behaviour during this period? It is often cited that adolescents take part in more risky decision-making than children or adults. Casey et al. (2008, pp.62-63) cite the 2005 National Youth Risk Behaviour Survey (YRBS) which shows that adolescents engage in risky behaviours such as driving without a seatbelt, using illegal substances, and engaging in

unprotected sex.⁷⁷ Results from the most recent YRBS in 2021 also show that adolescents engage in risky behaviours such as the use of e-cigarettes and alcohol (Centers for Disease Control and Prevention, 2023a). Similarly to Casey et al.'s (2008) research, through a review of various fMRI studies, Blakemore and Robbins (2012, p.1189) conclude “that adolescents are more likely than children and adults to make risky decisions in ‘hot’ contexts, where emotions are at stake or peers are present and social cognition is involved” and that this is in part because of the developmental rates of different brain regions.

So far, I have argued that the brain development of adolescents is nonlinear and this, in part, explains why they often take part in risky decision-making. So, what does this mean for the moral responsibility of adolescents? If, as I have argued, there are two conditions that need to be met for an agent to be sufficiently psychologically complex - (1) the capacity to form desires on the basis of their real self, and (2) the capacity to intentionally act in the way they planned even when they face urges to the contrary – then do agents in the developmental stage of adolescence meet these conditions? Concerning the desire condition, I have already suggested that even children have the ability to form desires on the basis of their real self and therefore meet the desire condition.

Concerning the control condition, if adolescents cannot help – as a matter of biology – acting in risky ways then on the surface it seems that they do not meet the control condition.

For example, take the example below:

⁷⁷ The YRBS is a yearly national survey in the USA designed in 1990 to track health behaviours in adolescents (Centres for Disease Control and Prevention, 2023b, n.p). From 1991 to 2021 the YRBS has collected data from more than 5 million high school students (Centres for Disease Control and Prevention, 2023, n.p).

Peer Pressure: Ellis, an adolescent, is going to a party with her friends. Ellis has decided to not take any drugs that are offered to her because she has never tried drugs before and she believes that it will be too risky to take something. Once at the party, Finn offers Ellis a drug. Ellis sees the good time that Finn and others are having since taking the drug and so Ellis decides to take the drug.

In **Peer Pressure**, Ellis first makes a decision based on her real self – to not take drugs because they are dangerous. However, once in a high-pressure situation surrounded by her peers, Ellis gives into the urge to take the drug despite having a desire to the contrary because she wants to have a good time too. Ellis therefore does not meet the control condition of psychological complexity as she gives in to the urge and does not act in the way she had planned. If adolescents are predisposed to this kind of impulsive thinking that leads to excessive risk-taking, especially in pressurised contexts, then it may be argued that adolescents in general are unable to meet the control condition.

However, whilst the nonlinear development of adolescents may hinder their ability to act upon their real self's desires in 'hot' contexts, does this mean they are unable to meet the control condition? I argue that it does not and give three reasons for this. First, as I have argued previously, these abilities do not need to be perfect – it is not the case that adolescents must always act in the way they have planned but rather only that they have the ability to do so generally. To further this point, I argue that even fully competent adults would not be able to resist urges that go against the way they have planned to act every time. For example, every day we give in to urges such as eating a chocolate bar when we have previously decided we are on a diet, but we would not say that we cannot resist urges, only that we do not do so perfectly.

There is evidence that adolescents and adults alike can resist urges given that they sometimes (if not mostly) do. Adolescents therefore may meet the control condition in the same way that adults do – imperfectly, but nevertheless they are able to resist urges.

A related point is that we cannot say an adolescent is *incapable* of acting in the way they have planned because we would not say this even of a child. As the marshmallow experiment above shows, some children are capable of resisting urges to some extent because they can stop, think, and deliberate on what they should do. We therefore could not say of children that they are unable to meet the control condition, only that their current stage of psychological development may mean they are more prone to give into urges. So, whilst an adolescent may be impaired in some ways because the development of their reward system causes more risky decision-making especially around peers, this does not mean they are incapable of acting in the way they have planned, only that in some situations this is harder. Because of this I believe that adolescents do meet the control condition. However, we must also take into consideration that this may be difficult in emotional situations or where their peers are present.

The third point I think it is also important to note is that when deciding whether an agent meets these two conditions we should consider the agent on an individual basis, rather than a collective with their peers. Whilst we can generalise, to an extent, about whether agents in a certain stage of development usually meet these conditions, the extent to which agents *do* actually meet these conditions should be determined on a case-by-case basis. Since the arguments I have presented here suggest that adolescents can meet both conditions of psychological complexity I argue that we can generalise that adolescents are not exempt from moral responsibility on the basis that they lack psychological complexity. This does not mean

that individual adolescents cannot be exempt from moral responsibility on the grounds that they lack psychological complexity. If there is specific evidence that an adolescent does not meet the desire and/or control conditions, this should be recognised in our judgment of their moral responsibility.

What does this mean for child soldiers specifically? Since adolescents meet the desire condition, we can assume that, in general, child soldiers, as children and adolescents, are able to form desires based on their real self. The control condition however may be a problem for their moral responsibility. Warfare is clearly an emotional context and so their ability to act upon their desires may be impaired.⁷⁸ However, given that the context may also reasonably impair a competent adult's ability to resist urges, and the control condition does not require that agents are perfect in doing so, we do not need to assume that adolescents do not meet the control condition. Instead, we can assume child soldiers meet the conditions - as typical adolescents meet both conditions – and assess on a case-by-case basis if there is evidence of an individual child soldier being unable to meet the conditions of psychological complexity. Child soldiers who may not meet these two conditions may have been affected by trauma for example. In the next section, I will discuss the effects of trauma on psychological development.

⁷⁸ There are of course other considerations such as coercion and force by their leaders which also need to be considered, however, for the purposes of this chapter focused on psychological complexity, these will not be discussed. The excusing conditions of ignorance, coercion, force, duress, and manipulation will be discussed in Chapters 6 and 7.

4.3.2 *The Effects of Trauma on Development*

Having established that adolescents are generally sufficiently psychologically complex and therefore are not exempt from moral responsibility on these grounds, we must also consider those who have been affected by trauma – in particular, trauma from warfare. It is well documented that early exposure to “trauma causes physical effects on neurodevelopment which may lead to changes in the individual’s long-term response to stress and vulnerability to psychiatric disorders” (Lubit et al., 2003, p.128).⁷⁹ And it is also fairly intuitive that war and violence will have a lasting psychological impact on children. In short, trauma in childhood and adolescence can have an effect on the psychological complexity of agents. Lubit et al. (2003, pp.129-130) argue that to assess the effects of trauma on children we should be less concerned with whether the child fits the DSM diagnoses for PTSD or other stress and trauma-related disorders, and more concerned with how the child functions socially, academically, and/or their level of self-care.⁸⁰ Wessells (2006, p.134) mirrors this approach to trauma as looking beyond medical models specifically in relation to child soldiers; “in analysing how child soldiers have

⁷⁹ For further work on the long-term effects of childhood trauma see Kaplow, et al. (2006), Suzuki, et al. (2014), and Van der Kolk (2007). It is generally recognised that trauma can cause a sense of hopelessness and helplessness which can in turn affect an agent’s decision-making capacity. For discussions of this see research from Danese, et al. (2020) and Olstad, et al. (2023).

⁸⁰ Due to the date of publication, Lubit, et al. (2003, pp.129-130) refer to the DSM-IV. In the DSM-IV, PTSD was the only trauma-related diagnosis, with other disorders of extreme stress not otherwise specified (DENOS) listed not as a separate diagnosis, but rather under “associated features of PTSD” (Van der Kolk, 2007, p.224). This has since been amended in the DSM-V with “trauma- and stressor-related disorders” becoming its own category including: “PTSD, ASD, adjustment disorder, reactive attachment disorder (RAD) (diagnosed only in children), disinhibited social engagement disorder (DSED) (diagnosed only in children), other specified trauma- and stressor-related disorder, and unspecified trauma- and stressor-related disorder” (Commonwealth of Virginia Commission on Youth, 2017, p.223). Even with these changes to the DSM however, there is still criticism about the adequacy of these diagnoses, in particular PTSD (Jones & Cureton, 2014).

been affected, one must look behind psychological labels and explore child soldiers' adaptability and functionality".

Put simply, even if a child's symptoms do not fit a formal diagnosis, following a traumatic event most children will have been affected psychologically in some way (Lubit et al., 2003, p.130). These symptoms include but are not limited to; PTSD symptoms such as "reexperiencing the trauma, numbing/avoidance, and hyperarousal", aggression, trouble forming relationships, interference in the development of emotional regulation, interference with adaptive functioning because of feelings of shame and self-blame, and an increased vulnerability to re-traumatisation (Lubit et al., 2003, p.130). Symptoms can be long-lasting – whilst half of victims will recover within 3 months, many others remain ill for a year or more, and symptoms can re-emerge in the following years (Lubit et al., 2003, p.129). In child soldiers specifically, a study of child soldiers ($n=354$) and other war-affected youth ($n=489$) in Uganda found that the rate of PTSD in former child soldiers (32%) was much higher than in the other war-affected youth (12%) (Winkler et al., 2015, p.1). The effect of trauma on the psychological development, and thus moral responsibility, of child soldiers is therefore not something that can be overlooked. In this section, I will explore three ways in which trauma may have an impact on the development of a child soldier's psychological complexity: impairment or differences in emotional responses, dissociation, and differences in cognition.

As I have outlined above, children with complex trauma often have more difficulty controlling and regulating their emotions. This can lead to violent and aggressive outbursts and may therefore affect the ability to meet the control condition. As one unnamed former child soldier recalls in the UNICEF 2003 report 'Adult wars, child soldiers: voices of children involved in armed conflict in the East Asia and Pacific Region':

Now when I'm very cross with someone, I easily black out and when I black out I use whatever is in my hands to fight – to cause injury – without realizing what's happening. I can't listen to anyone trying to control me or tell me what to do. Afterward, it will take time to realize what I've done. There have been two instances: I shot my sister in a quarrel in the right arm. She was fighting with my father. My father was complaining that my sister did not listen to my father's advice. I just got up and shot her. She could have died. Someone pushed the gun as I fired it. Another time, a man stole some trousers and was caught. I took his hand and said, "You use these fingers to steal." And I chopped off his finger.

[Papua New Guinea – joined when he was about 9, now 19]

(UNICEF, 2003a, p.66)

The inability to control his responses to anger suggests that, in the two situations he describes, he did not meet the control condition.

Another psychological effect of trauma which may affect child soldiers is dissociation. The DSM-5 defines dissociation as “disruption of and/or discontinuity in the normal integration of consciousness, memory, identity, emotion, perception, body representation, motor control, and behaviour” (American Psychiatric Association, 2013, p.291). War is a well-known risk factor of dissociative disorders (American Psychiatric Association, 2013, pp.294-295). There are three types of dissociative disorder - depersonalization-derealization disorder, dissociative identity disorder, and dissociative amnesia - and dissociation is also associated with PTSD (American Psychiatric Association, 2013, p.291).

Closely related is the idea of ‘numbing’. This is the notion that agents become numb to a situation as a way to cope with what they have seen or done. Wainryb (2011, p.285) argues that “numbing may be uniquely protective and adaptive for child combatants in the short term, as the events are taking place or shortly after they have occurred while youths are still in the armed groups, because it serves to push away or avoid recognizing the implications of their actions”. Testimonies from various reports on the experiences of child soldiers do suggest that numbing is used as a form of protection:

We attacked many soldiers. We killed many of them. I was joyful killing them. I was transformed into another spirit to fight. I couldn’t feel that killing was bad. I was numb. It was all a lie. I saw my friends dying.

(Save the Children, 2018, p.23)

After seeing many people shot, it doesn’t affect me. It’s part of the duty. It’s a very strange feeling, a kind of fear, but then it’s over.

[Papua New Guinea – joined when he was 14, now 27]

(UNICEF, 2003a, p.54)

So, what does this mean for the psychological complexity of child soldiers affected by trauma in this way? Concerning the desire condition, dissociation or numbing do not seem to have any effect on the way that agents form their desires and so they could still have the capacity to meet this condition. The control condition, however, may be affected. If an agent is unable to remember what happened in the situation, for example because they have dissociative amnesia, can they be said to have acted in the way they desired? Similarly, if an agent has a

depersonalization or derealization experience in a situation and experiences an ‘out of body’ feeling as they are watching themselves act, how can we say that they have acted in the way they desired?

A final consideration for how trauma may affect child soldiers is how their cognition may be affected. PTSD has been associated with cognitive impairment in areas such as memory and executive function, although sometimes with conflicting evidence (Qureshi et al., 2011, p.26). A systematic review of the literature by Qureshi et al. (2011, pp.25-26) “suggests that individuals with PTSD have poorer attention capabilities” than those who have a history of trauma but have not developed PTSD. Cognitive impairment was also correlated to the severity of PTSD in individuals (Qureshi et al., 2011, p.26). Moreover, the DSM-5, amongst other symptoms, recognises that some individuals with PTSD may be “quick tempered” and in some cases aggressive with no provocation, and/or experience difficulties in concentration (American Psychiatric Association, 2013, pp.275-276).

If child soldiers with PTSD will potentially suffer from cognitive impairments such as those examined above, then they may not have the necessary psychological complexity to be morally responsible. Whilst I argue they still have the ability to meet the desire condition, their capacity to act in the way they have intended despite urges to the contrary may be impaired – if this was the case then they would not satisfy the control condition to a high enough degree to be morally responsible. For example, if a child soldier had impaired attention or concentration capabilities, when faced with a complex decision it could be the case that they would have difficulty making decisions in the way they have originally planned to. As such, they would not meet the control condition.

The above discussions of emotional responses, dissociation, and cognition go to show that the effect of trauma on children, and specifically child soldiers, can be wide-reaching and long-lasting. But do these symptoms affect their psychological complexity pertaining to their moral responsibility? Interestingly, a study among former child soldiers in Nepal revealed that, whilst former child soldiers were more likely to display severe mental health problems than those who had not soldiered, problems such as PTSD and depression, soldiering “was not associated with general psychological difficulties [...] anxiety [...] or function impairment” (Kohrt et al., 2008, p.691). This suggests that their psychological complexity may not be diminished, even if they experience trauma-related mental health issues.

There are two important points to make from the above discussion. First, given the complexity and individuality of an agent’s psychology, and the contexts of each individual, child soldiers will not all be affected by trauma in the same ways, or perhaps even at all. Because of this, it is important to note that the discussions of the effects of trauma on children may not apply to all child soldiers, or indeed may be affected more severely than I have outlined above. Second, even if a child soldier has been affected by trauma in these or similar ways, this does not necessarily mean they do not meet the two conditions of psychological complexity. Concerning the desire condition, so long as the child soldier in question has the capacity to form desires on the basis of their real self they meet this condition. The effects of trauma outlined above do not seem to influence this ability. The control condition, however, may be impacted as the child soldier may not be able to control their actions to the extent needed to meet the condition if in a mental health crisis. This, however, cannot be assumed, and much like I have concluded in §4.3.1, concerning the psychological development of children, I believe that we can only understand the effect of trauma on child soldiers on an individual basis.

4.4 Conclusion

The above considerations show that psychological complexity in child soldiers is hard to generalise although to an extent we can make assumptions about the psychological development of agents in different stages of development. To have the necessary psychological complexity under the view I have outlined above, agents must meet two conditions; the desire condition which is the capacity to form desires on the basis of their real self; and the control condition which is the capacity to intentionally act in the way they planned even when they face urges to the contrary. Concerning the desire condition, the development of the child's desire processes happens earlier than the typical ages of child soldiers. So, they generally meet this condition. Concerning the control condition, trauma may affect their ability to resist urges, but I argue that this is not enough to generalise that all adolescents are not psychologically complex. Instead, research suggests that in general, adolescents have the capability to resist urges, although this may be harder in high-pressure or emotional environments. We must also consider the way trauma has affected child soldiers individually – much in the same way we do with adult combatants. I therefore believe that we should consider child soldiers as psychologically complex enough to be morally responsible unless we see evidence to the contrary, for example, either they are not as psychologically developed as a typical adolescent, or that trauma has impaired their ability to meet the two conditions in some way.

5. Moral Competency

5.1 Introduction

In the previous chapter, I argued for a level of psychological complexity that someone must have for them to be a morally responsible agent. The capacities to form desires and to intentionally act in the way the agent has planned, however, do not account for the full picture of the internal mechanisms needed for an agent to be morally responsible for their actions. This specific notion of psychological complexity is borne out of the Real Self view. However, psychological complexity alone does not capture all the nuances in the Real Self debate. It is not only that an agent must be able to make decisions and to act on them generally, but they must be able to make *moral* decisions.

In this chapter, I will argue for another internal mechanism necessary for an agent to be both (1) morally responsible generally and (2) morally responsible for a specific action.⁸¹ Without this internal mechanism, the agent would be exempt from moral responsibility in either case. Hereafter I will call this mechanism responsibility-conferring moral competency (RC moral competency). As will become apparent throughout this chapter RC moral competency denotes a threshold at which a person can be said to be morally responsible. This is not to be

⁸¹ This draws on the distinction I have made in Chapter 3 on the distinction between being a morally responsible agent generally, and an agent being morally responsible for a specific action.

confused with the spectrum of moral competency, an interval of which constitutes RC moral competency.⁸²

To satisfy (1), I will argue that agents must be RC morally competent, and when they employ RC moral competency in moral deliberation in a specific case this satisfies (2). After this, I will evaluate the RC moral competency of child soldiers specifically, both whether child soldiers can possess moral competency generally and whether they can be morally competent in the specific situations they face. This chapter will mostly focus on (1) in that I will elucidate just what capacities are necessary for an agent to be RC morally competent. Chapter 6 will draw upon these insights and focus on the specific judgments child soldiers would need to be able to make to satisfy (2) and be morally responsible in their given situations due to moral ignorance considerations.

In §5.2, I will first outline why psychological complexity is not sufficient for moral responsibility. I will argue, through a discussion of the nature of psychopaths, that an agent must be – to take Fischer and Ravizza’s (1998) formulation – responsive to reasons. I will then outline two views of RC moral competency defended by Wolf (1990) and Fischer and Ravizza (1998) respectively. I will argue that whilst morally responsible agents need not be perfectly sensitive to moral reasons, they must have the capacity and be able to use this capacity in some situations.

⁸² The spectrum of moral competency ranges from not morally competent, to some expert level of moral competency. Whilst the beginning of this spectrum, a person who is not morally competent, may be relatively easy to identify, for the purposes of this thesis there is no need to identify an end point at which the person is fully morally competent which is perhaps a harder pursuit.

In §5.3 I will apply these views to child soldiers to assess whether they have the required moral capacities to be morally responsible. Using recent studies into the psychology of both children in general, and those who have experienced trauma, I will argue that children can possess RC moral competency for their actions in the relevant sense. I will contrast these studies with discussions popular within the literature of moral disengagement, and the cognitive and self-regulatory processes in children who have experienced trauma.

5.2 Responsibility-Conferring Moral Competency

As suggested above and in the previous chapter, psychological complexity – whilst being an important internal requirement for moral responsibility – is not sufficient for moral responsibility. In this section, I will argue for the importance of an internal mechanism that recognises and acts upon moral reasons. In §5.2.1, I will motivate the need for such a mechanism in morally responsible agents through a discussion of the nature of psychopaths. This will draw upon Wallace’s (1994, pp.157-161) first of two “powers of reflective self-control” which is the ability “to grasp and apply moral reasons”. In §5.2.2, I will outline Wolf’s account of such a mechanism. Then, in §5.2.3 I will move to Fischer and Ravizza’s (1998) reasons-responsiveness account. Finally, in §5.2.4 I will conclude that for an agent to be morally responsible they must be able to identify and be effectively moved by moral reasons.

5.2.1 *Psychopaths and Moral Judgments*

The way agents identify and respond to moral reasons, as this chapter aims to show, is central to how we view their moral responsibility. Take the following examples:

Psychopath: Frankie wants to buy a new car but does not have enough money. Frankie thinks about stealing the money from George. Frankie does not give stealing or harm caused to George any moral weight but knows that other people see it as wrong. Frankie steals the money from George and feels no guilt.

Sociopath: Harley wants to buy a new car but does not have enough money. Harley thinks about stealing the money from George. Harley knows that stealing and harming George is morally wrong. Harley steals the money and feels a low level of guilt.

These examples are both worrying but in different ways. In **Psychopath**, Frankie is not moved by moral reasons and, even more worryingly, does not *identify* the moral reasons not to steal (such as harm to George) at all. In fact, in **Psychopath**, Frankie only sees the reasons not to steal as conventional reasons – as Kennett and Fine (2008, p.175) suggest, psychopaths see moral and conventional norms as “annoying restrictions to be manipulated or ignored”. In contrast, in **Sociopath**, Harley understands the moral weight of stealing but chooses to steal regardless.

The key difference between **Psychopath** and **Sociopath** is the moral weight Frankie and Harley give to the action of stealing and the level of guilt that follows. Whilst this is a very simplistic comparison between psychopaths and sociopaths, and by no means exhaustive of the

differences in behaviour between them, what this aims to show is the difference in their responsiveness to moral reasons.⁸³ In **Psychopath**, Frankie does not see stealing as morally wrong even though she acknowledges there is a social norm to not steal (but also disregards this). This is why Frankie does not feel any guilt – because she is insensitive to moral norms, Frankie does not judge stealing as anything to feel guilty about. Conversely, in **Sociopath**, Harley understands moral judgments and judges stealing as morally wrong but steals anyway. This is why Harley feels some guilt – although minor – as she knows that stealing is morally wrong.

But what bearing does this have on Frankie’s moral responsibility? I argue that the fact that Frankie is impaired in **Psychopath** (in the sense that she cannot identify and/or consider moral reasons not to steal) exempts her from moral responsibility. In contrast, in **Sociopath**, whilst Harley disregards the moral reasons not to steal, she is aware of their normative power. To further explain, Harley understands *why* the way she acts is wrong (because of the harm she causes George), however, she does it anyway. In **Sociopath** then, Harley is morally responsible – Harley has chosen to *ignore* the moral reasons not to steal.

The nature of psychopathy has often been employed within moral psychology literature to show the importance of moral evaluative judgments (Kennett and Fine, 2008, Schramme, 2018, Vaish, 2018). Glannon (2008, p.158) describes psychopathy as “impaired capacity for empathy and remorse, as well as impaired responsiveness to fear-inducing stimuli and poor

⁸³ For further discussions of the difference between psychopathy and sociopathy see Walsh and Wu (2008), and Pement (2013).

behaviour control”.⁸⁴ Because of these impairments, psychopaths are unable to identify and respond to other people’s interests. The ability to identify and respond to the interests of others is important in the discussions of moral responsibility for two reasons. First, and fairly obviously, our decisions do not take place in a vacuum – our actions necessarily affect others. As I have argued in Chapter 3, we usually blame people for overlooking our interests when they make moral decisions. Since psychopaths do not have the ability to consider other people’s interests as moral rather than just conventional reasons not to act, we cannot blame them for overlooking our interests.

Second, psychopaths generally see moral wrongs that harm others as wrong only insofar as they break the conventional rules – they do not distinguish between moral wrongs and conventional wrongs and therefore do not grasp the normative force and significance of moral wrongs (Kennett and Fine, 2008, p.175, Levy, 2007, p.132). These two reasons hinge upon a lack of moral knowledge in psychopaths – they arguably cannot understand and take seriously the moral reasons given by others. Returning to **Psychopath**, Frankie lacks the knowledge and skill to even consider moral reasons when making decisions. How could we then hold Frankie morally responsible when she does not have the capacity to comprehend the moral weight of her actions?

⁸⁴ This quote from Glannon (2008, p.158) seems to explicitly capture what I believe to be the two main exemptions of moral responsibility – that is the lack of psychological complexity and RC moral competency. In the second half of the description Glannon (2008, p.158) describes the ways in which psychopaths are unable to control the way they act – a condition of moral responsibility I have outlined in the previous chapter. Conversely, the first half of the description shows a lack of ability to identify moral reasons involving others in the sense that a psychopath cannot empathise with others. It is this constraint which I address in this chapter.

Glannon (2008, p.158) argues that “although psychopaths may act impulsively and without empathy or remorse, they are not coerced or compelled to act by their mental states and are not ignorant of the circumstances in which they act”.⁸⁵ According to Glannon (2008) then, their moral responsibility, whilst potentially impaired, is not fully diminished. However, there does seem to be something important going wrong with the moral reasoning of psychopaths, and it is this intuition that is important for this chapter.

Even if we concede that a psychopath has some level of moral responsibility (in **Psychopath** Frankie is at least responsible under a responsibility-as-attributability view for stealing), Frankie is impaired because of problems within her cognitive development which make her morally blind, and is therefore exempt from moral responsibility.⁸⁶ She does not have the capacity to understand the moral reasons not to steal through no fault of her own, and so it seems that we should not see Frankie as morally responsible. In the words of Levy (2007,

⁸⁵ In Chapter 6 I will return to the notion of moral ignorance as an excusing condition. There seems to be a distinction here similar to the knowledge-that and knowledge-how distinction. Knowledge-that in this sense would be moral knowledge of the specific reasons – killing is wrong for example – and this kind of moral knowledge is the target of chapter 6. This chapter however looks at the knowledge-how of morality, in that, broadly, moral competency requires the agent to know how to recognise moral reasons. Whilst this is a distinction between moral ignorance and moral competency does not exactly track onto knowledge-that and knowledge-how, I hope this analogy is useful in showing the kind of distinction this thesis makes between moral ignorance and moral competency.

⁸⁶ It is important here to not conflate responsibility-as-attributability (as outlined in §3.2.1) with attributionist accounts of moral responsibility. Nelkin (2015) disagrees with the likes of Watson (2011) and Glannon (2008) and argues that psychopaths are not even responsible under a responsibility-as-attributability view. Nelkin (2015, pp.386-387) argues that since psychopaths do not display “contempt and cruelty”, they are only dangerous because they do not recognise the moral reasons, they cannot be held responsible in the attributability sense, let alone the accountability sense. For a defence of psychopaths exhibiting cruelty, see Shoemaker (2011a). For a reply to Shoemaker on why an inability to recognise moral reasons does not equal an inappropriateness of blame, see Talbert (2012a).

p.134), had she “made [herself] a callous and cruel agent, we would hold [her] responsible, but because [s]he is bad through no fault of [her] own, we rightly excuse [her]”.⁸⁷

This is particularly pertinent to discussions of a lack of moral competency excusing moral responsibility. As Levy (2007, p.134) notes, since Frankie, or any other psychopath, did not make herself callous or cruel, Frankie is not capable of genuine ill will. Similarly, in Nelkin’s (2015, pp.386-387) view, a psychopath cannot even display cruelty because she does not have the capacity for genuine ill will. As such, the functions of blame outlined in §3.2.4 (to communicate disapproval, hold the agent accountable, and to seek to improve the agent’s future actions) are simply not appropriate as they track ill will. We cannot communicate disapproval to Frankie as she cannot understand the moral reasons this disapproval rests upon. We also cannot hold Frankie to account or sanction her since she could not have avoided the action due to her inability to recognise moral reasons, and finally, this also means that her future actions will likely not be improved. A lack of moral competency therefore excuses moral responsibility because blame only functions appropriately in cases of genuine ill will.

What psychopaths show us about moral competency then is that an ability to recognise and respond to moral reasons (whether generally or in specific cases) seems to be important for moral responsibility. As Wallace (1994, p.157) notes, moral competency goes well beyond an ability to simply “parrot the moral principle in situations in which it has some relevance”. Of course, a psychopath would be able to do this, they would merely categorise moral reasons as

⁸⁷ This quote is taken from a discussion of an agent who has a tumour which causes her character to change so that she becomes cruel and callous. Levy (2007, p.135) argues that this is analogous to a psychopath simply because psychopathy is a developmental disorder and so psychopaths are also not responsible for their character.

conventional reasons instead. But our intuitions about psychopaths suggest that there is something that *goes wrong* in their reasoning because they do not understand moral reasons. What is needed for RC moral competency seems to be an understanding of moral reasons *as* moral reasons. In what follows I will delve into this intuition through different but related views on the moral competence condition of moral responsibility; Wolf's (1990) Reason view, and Fischer and Ravizza's (1998) Reasons-Responsiveness view.

5.2.2 *Wolf's Reason View*

In the previous section, I motivated the intuition that agents must be able to identify and act upon moral reasons in order to be morally responsible for their actions. In this sub-section, I examine Wolf's (1990) view of what the mechanism for RC moral competency must entail.

Wolf (1990, p.69) argues that an agent must be able to act in accordance with reason and be responsive to different reasons that may arise. This may seem similar to the Real Self view outlined in the previous chapter – both views place moral responsibility on the ability to reason. However, Wolf (1990, p.75) argues for a distinction between the Real Self view and the Reason view of moral responsibility. Whilst both the Real Self view and Wolf's (1990, p.75) Reason view state that an agent is morally responsible if “she is able to form her actions on the basis of her values” (that the action flows from the agent's real self), the reason view goes one step further – the agent must also be “able to form her values on the basis of what is True and Good”. In **Psychopath** then, because Frankie is not able to form her values on the True and the Good, under Wolf's (1990) view she cannot be morally responsible.

Wolf (1990, p.75) therefore understands a person's moral competency in terms of (1) their sanity and (2) their ability to conform to conventional, legal, and more importantly, moral norms.⁸⁸ To motivate Wolf's (1988, pp.53-54) account, consider her famous case of JoJo paraphrased below:

JoJo: JoJo is a child born to an evil dictator father. JoJo received a special education whereby she accompanies her father every day and watches her father's routine. JoJo develops desires and values very much like her father's and grows up to also partake in evil activities such as torturing on a whim. JoJo has not been coerced, and if JoJo were to 'look inwards', JoJo would wholeheartedly endorse these desires and values.

(Wolf, 1988, pp.53-54)

In **JoJo**, JoJo has not been taught how to recognise moral reasons and so has not developed the relevant capacities. Given that JoJo is unaware that people should not be tortured, JoJo cannot react to this reason to act differently. At the very least then, it seems intuitive to believe that JoJo has diminished moral responsibility since JoJo cannot recognise the important moral reasons in the case. What is important in this case is that JoJo is unable to recognise moral reasons, and this seems to provide an exemption for JoJo's moral responsibility.

⁸⁸ Of course, as outlined in §3.2.4, the relationship between blame and moral responsibility is complex, especially considering standing to blame which I will return to in §7.3.1. However, if an agent is not liable to blame in the first place, then considerations of whether *I* can blame them will not even feature.

In particular, it is not the case that an agent must do the right thing for the right reasons in order to be morally responsible for their actions – it is the capacity to recognise and act upon the right reasons that is important (Wolf, 1990, p.81). For example, to return to the **Sociopathy** example, because Harley understands and recognises the moral weight of the harm stealing will cause even though she chooses to steal. An agent is therefore still morally responsible for her actions *even if* she does not do differently (Wolf, 1990, p.81). Crucially for Wolf’s (1990, p.81) Reason view, agents do not always have to do the right thing (it would be too strong a claim to suggest that we all must be moral saints), but they need to be aware of the moral reasons and have the capability to understand why what they did was wrong. JoJo is exempt from moral responsibility under Wolf’s (1990, p.81) view because she cannot recognise the moral reasons in the first place.

So what does being able to act upon the True and the Good look like? And to what extent does an agent need to be capable of doing so to be considered RC morally competent? A strong reading would suggest that an agent must be able to recognise and consider *all* the reasons that are relevant to the situation.⁸⁹

But this is clearly impossible, and as Wolf (1990, pp.142-143) states, even if agents could possess the powers of reflection and knowledge needed for such a task, it would rarely be a worthwhile endeavour. Moreover, if we took such a strong view, it would be nearly impossible for anyone to ever be responsible, in particular for bad actions where we cannot be

⁸⁹ This could perhaps be considered as the endpoint of the spectrum of moral competency, however, for the purposes of this thesis, the only interval on the spectrum of moral competency that is important is that of RC moral competency.

certain on the outcomes.⁹⁰ The amount of reasoning required for a given situation can clearly be more flexible. For example, Frankie need not rehearse every argument for and against stealing the money.⁹¹ It is simply enough to suggest that for an agent to be RC morally competent under this view they must be able to identify and consider the most salient of reasons for the situation in question - “the more options and the more reasons for them that one is capable of seeing and understanding, the more fully one can claim one’s choice to be one’s own” (Wolf, 1990, p.144).

Essentially, under Wolf’s (1990) Reason view of RC moral competency, an agent must be able to identify and respond to the most salient of reasons (whether these are moral, legal or conventional reasons) in the given situation. This may seem as if Wolf is sidestepping the question of what moral competency actually entails. It sounds almost like a ‘it depends on the context’ fence-sitting position.

However, if as I have argued in Chapter 3, moral responsibility is being an appropriate object of praise and blame, an agent needs to only have the capacity to understand their actions to the extent that we can appropriately praise or blame them. Wolf (1990, p.143) argues that the reasons we are concerned with an agent having the capacity to understand are only those which are sufficient in showing that the agent in question either understood the wrongness of the action and that another course of actions would have been better (in situations where they will be blamed) or what made the action good (in cases where we are inclined to praise the individual).

⁹⁰ Recall the light switch case in §3.4.1 on moral ignorance. If we took such a strong view on moral competency, moral ignorance would not be able to act as an excuse in otherwise morally responsible agents.

⁹¹ I will return to this idea in Chapter 6 on moral ignorance.

As such, agents need only be able to consider the reasons which are particularly significant for the reactive attitudes that are appropriate to the situation. In what follows I will outline a similar view of RC moral competency from Fischer and Ravizza (1998) which fine tunes the notion of control.

5.2.3 *Fischer and Ravizza's Reasons-Responsiveness*

Whilst Wolf's (1990) Reason view allows us to consider the importance of the capacity to understand and be influenced by moral reasons, I believe that the question of what RC moral competency entails is better explained via Fischer and Ravizza's (1998) Reasons-Responsiveness view. Their view essentially rests upon two notions of control within an agent – “ownership” of the mechanism which produces the behaviour, and that said mechanism being “reasons-responsive” (Fischer and Ravizza, 1998, p.241). The notion of ownership of the mechanism is captured in my discussion of psychological complexity in the previous chapter. As such I will not re-tread the discussion here. It is the second notion of reasons-responsiveness which is most relevant for discussions of moral competency. Fischer and Ravizza (1998, p.71) argue that for an agent to be morally responsible their decision-making mechanism must demonstrate “an *understandable pattern* of (actual and hypothetical) reasons-receptivity”.⁹²

Fischer and Ravizza (1998, pp.41-42) outline three kinds of reasons-responsiveness that seem to be at play when making moral decisions; being *receptive* to reasons, being *reactive* to

⁹² Emphasis in original.

reasons, and being able to *translate* choices into action. So, what does it mean to be receptive to reasons? Fischer and Ravizza (1998, p.41) state that this is simply being able to recognise moral reasons for or against an action. A failure in this regard is therefore the failure we see in Frankie in **Psychopath**, and is also the focus of Wolf's (1990) Reason view as an agent must be able to recognise what is True and Good.⁹³ The second element then is being reactive to reasons – that is being effectively moved to act (or not act) by the reasons (Fischer and Ravizza, 1998, pp.41-42). In **Sociopath** then, since Harley is receptive to the reasons not the steal but fails to act in accordance with them, she fails to be reactive to reasons. Finally, Fischer and Ravizza (1998, p.42) argue that moral decision-making involves being able to translate these choices into actions – failure to do able to do this most likely stems from a weakness of will (as in **Unwilling Drug Addict** in the previous chapter), or “various kinds of physical incapacities”. If an agent were to succeed in all three of these aspects of moral decision-making, they would be “strongly reasons-responsive” because they are able to appropriately identify, be moved by, and act upon the reasons to act (Fischer and Ravizza, 1998, pp.41-43).

Much in the same way Wolf (1990, p.143) argues that an agent need not know all of the reasons for or against an action, Fischer and Ravizza (1998, pp.41-43) argue that agents need not be strongly reasons-responsive. To demonstrate why an agent does not need to be strongly reasons-responsive in order to be RC morally competent, Fischer and Ravizza (1998, p.42) invoke the example of Jennifer going to a basketball game despite the fact that she has an important deadline for her manuscript. Even though Jennifer is weak-willed in going to the basketball game over completing her manuscript and is therefore not strongly reasons-

⁹³ Recall the discussion of **Psychopath** in §5.2.1.

responsive, we would still hold her morally responsible as she has recognised that there are reasons that she should not have gone, but is simply weak-willed (Fischer and Ravizza, 1998, pp.42-43).⁹⁴

Strong reasons-responsiveness therefore cannot be necessary for moral responsibility under Fischer and Ravizza's (1998, p.43) view. It seems much more plausible to suggest that this strong reasons-responsiveness is necessary for a special type of praiseworthiness – for example the kind of praise that is appropriate to supererogatory acts Fischer and Ravizza (1998, p.43). Put simply, we cannot expect persons to have such a firm grasp over their moral decision-making to the extent that they will always make the right decision – what is important for moral responsibility is the capability to recognise the reasons.

Contrast strong reasons-responsiveness to weak reasons-responsiveness. Strong reasons-responsiveness essentially asks “what would happen, if there were sufficient reason to do otherwise” (Fischer and Ravizza, 1998, p.44)? A strongly reasons-responsive agent would always choose to act in the way that moral reasoning guides them towards. Alternatively, weak reasons-responsiveness would require that if there existed “*some* possible scenario [...] in which there is sufficient reason to do otherwise, the agent recognises this reason, and the agent does otherwise” (Fischer and Ravizza, 1998, p.44).⁹⁵ So, Jennifer has sufficient reason to not go to the basketball game (her deadline), but is weak-willed and chooses to go (Fischer and

⁹⁴ This is also important for moral ignorance as an excusing condition which will be explored in Chapter 6. It is not that an agent must also act in accordance with the moral norms, but rather that they are able to recognise them, and cases of non-culpable moral ignorance are a failure of an agent to recognise the most salient moral reasons in the situation, but this failure is not their fault.

⁹⁵ Emphasis in original.

Ravizza, 1998, p.45). But, there does exist some scenario which would move Jennifer to do otherwise and not go to the game – for example, if the tickets were too expensive (Fischer and Ravizza, 1998, p.45). Essentially, all that weak reasons-responsiveness requires is that the agent “*would* respond appropriately to sufficient reasons” under some circumstances had they arisen.⁹⁶

This level of reasons-responsiveness appears to be necessary for RC moral competency, but is it sufficient? In other words, is weak reasons-responsiveness far enough along the spectrum of moral competency to constitute RC moral competency? Fischer and Ravizza (1998, p.69) argue that it is not because it does not provide the appropriate level of reason receptivity - the first kind of reasons-responsiveness.

Fischer and Ravizza (1998, p.69) therefore argue for a level of reasons-responsiveness which includes moderate reason *receptivity*, weak reason *reactivity*, and the general capacity to turn these choices into action (or inaction).⁹⁷ To demonstrate the necessity of stronger reason

⁹⁶ Emphasis added. As an aside point, whilst it is important that the agent would respond appropriately in some circumstances, it must also be the case that they respond in this way for that sufficient reason (Fischer and Ravizza, 1998, p.64). For example, if someone with a nervous tic spilt lemonade over their host’s lap coincidentally at the point at which the host’s trousers would “have been set ablaze” by the ash from a cigarette, this would satisfy weak reasons-responsiveness (Fischer and Ravizza, 1998, p.63). However, the lemonade was not spilt because the host’s trousers were alight. This is an important “connection between reason and action” (Fischer and Ravizza, 1998, p.81).

⁹⁷ It is important to note that Fischer and Ravizza (1998, p.69) conflate reasons-reactivity with this ability to translate reasons into action for the purposes of arguing for moderate reasons-responsiveness. However, I believe that this negates the importance of psychological complexity within the internal mechanisms of a morally responsible agent. Instead, this third capacity I believe, much in the same way as ownership of the reasons-responsiveness mechanism is, is captured by the notion of psychological complexity in the previous chapter. This is because it is the ability to turn choices – in this case *moral* choices – into action and is therefore only relevant to reasons-responsiveness in the sense that the capacity is necessary to carry out the decision that has been made. If an agent was appropriately reasons-receptive and reasons-reactive but failed in turning these reasons into actions, I propose that whilst we would see this agent as not morally responsible, this is not because they are not appropriately reasons-responsive, but rather because their decision-making mechanism has failed in some way, not that they lacked the competency to make the decision in the first place.

receptivity Fischer and Ravizza (1998, pp.69-70) use the example of Brown who enjoys taking a nonaddictive drug which I have paraphrased below:

Plezu: Plezu causes euphoria in the taker to the extent that they will spend the time on the drug sitting in one place. Brown is relatively weak-willed when it comes to taking the drug and takes the drug every morning even though she is able to recognise that there are strong reasons not to do this (loss of her job, breakdowns in relationships and friends, to give a few examples).

(Fischer and Ravizza, 1998, pp.69-70)

Suppose then that there is one instance in which Brown would refrain from taking Plezu – if Brown was told taking Plezu once more would result in her death (Fischer and Ravizza, 1998, pp.69-70). Whilst Brown is weak-willed, since there is at least one instance in which she would refrain from taking the drug (the certainty of death), we can say that she is weakly *reactive* to reasons (Fischer and Ravizza, 1998, p.70). We would see Brown as morally responsible for taking Plezu as her ability to not take the drug under *at least one* circumstance demonstrates that her urge to take the drug is not “irresistible” – Brown has some level of guidance control over taking Plezu even though it is very weak (Fischer and Ravizza, 1998, p.70).

However, being weakly reasons receptive is not enough to ground Brown’s moral responsibility. Imagine that Plezu cost \$1000 per injection, and this was sufficient reason for Brown to not take the drug (Fischer and Ravizza, 1998, p.70). This seems to be appropriately reasons receptive since Brown has considered the expense of the drug. However, Fischer and

Ravizza (1998, p.70) then ask us to imagine that Brown is not sufficiently moved by the fact that Plezu costs \$2000, \$3000 or even \$4000 per injection up to the point that Brown only recognises \$1000 as a sufficient reason not to take the drug. This is clearly not appropriately reasons receptive – Brown must not only be receptive to one reason (as weak reasons receptivity asks), but rather she needs to exhibit an appropriate *pattern* of receptiveness (Fischer and Ravizza, 1998, pp.70-71). Brown must not only recognise that the drug being \$1000 is a sufficient reason not to take it, but additionally that there is a connection between the drug being \$2000, \$3000, or \$4000 also being reasons to not take the drug (Fischer and Ravizza, 1998, p.71). Fischer and Ravizza (1998, p.71) describe this ability to recognise patterns in reasons as being “at least regularly” receptive to reasons and the pattern of reason receptivity must be understandable. Much like in psychological complexity where views and beliefs must generally ‘mesh’, the reasons an agent recognises must generally be connected or understandable as a whole.

Importantly for discussions of moral competency, Fischer and Ravizza’s (1998) Reason-Responsiveness view of moral responsibility provides two conditions – moderate reasons receptivity, and weak reasons reactivity. Much in the same way that Wolf’s (1990) Reason view includes not only moral reasons but also other reasons such as conventional ones that are relevant to the specific moral decision must be taken into account. Moreover, again like Wolf’s (1990) emphasis on sanity, Fischer and Ravizza (1998, p.73) provide a caveat that the pattern of reasons must be “at least minimally grounded in reality”. In what follows I will outline what this means for RC moral competency.

5.2.4 Conclusion

So far, I have outlined two views of what internal mechanisms are necessary for moral responsibility. These views both share two important conditions which have a bearing on RC moral competency as a specific condition of moral responsibility; the ability to recognise, and be moved by, moral reasons. Whilst their mechanisms may differ, this capacity must be sensitive only to the extent that an agent can recognise either why their action was good or bad. For an agent to be RC morally competent they must have the capacity to identify the relevant moral reasons to act (or not act) and be able to act upon them.⁹⁸ Importantly however, the knowledge of moral reasons is not a strong requirement – so long as the agent is moderately reasons receptive, and weakly reasons reactive, they reach the threshold of RC moral competency. The ability to translate these reasons to action which Fischer and Ravizza (1998, p.43) emphasise, seems to encompass psychological complexity as I have defined it in the previous chapter. This link between psychological complexity and RC moral competency is reasonable – for an agent to be morally responsible they must have the capacity to make decisions and act upon them (psychological complexity), and these decisions must take into account *moral* reasons (RC moral competency).

Those who hold the view that child soldiers are not morally responsible agents generally argue – although not explicitly – that these two capabilities are necessary for an agent to be morally responsible, and that since child soldiers lack them in their view, they are not morally

⁹⁸ Actually identifying the morally salient reasons and norms in a given situation is more the purview of moral ignorance. However, without the capacity to recognise moral reasons that moral competency provides, an agent cannot be seen as morally ignorant.

responsible.⁹⁹ In the previous chapter I have outlined just why child soldiers may be seen to not have the necessary level of psychological complexity and have argued against this view. The next section will take much of the same structure to argue for the plausibility of child soldiers being RC morally competent. There are two broad reasons cited for child soldiers lacking moral competency – that children in general have not yet developed the necessary capacities to make moral judgments, and that trauma can affect how children develop these skills. In the next section I will outline just why these views persist despite ample evidence to the contrary. Moreover, I will argue that if RC moral competency is necessary for moral responsibility – which I hope this chapter is convincing of – child soldiers can possess this capacity.

5.3 Responsibility-Conferring Moral Competency and Child Soldiers

The dominant view on the moral responsibility of child soldiers suggests that children, especially those who have experienced trauma, lack RC moral competency and so they cannot be responsible for their actions. In this section, I will outline some of the typical arguments put forward to support this view, with a particular focus on the moral development of children generally, and how trauma affects such development. In §5.3.1 I will begin from the dominant view that children cannot make genuine moral judgments, with a particular focus on the work of Piaget (1929, 1932), Kohlberg (1963, 1984), and Gilligan (1977, 2003). In §5.3.2, I will outline some of the ways it has been suggested that trauma can have an effect on moral

⁹⁹ For a discussion of some of the reasons given by those who believe child soldiers are completely nonresponsible, see §2.5.

competency. These include moral disengagement, PTSD affecting RC moral competency, and moral injury.

I will conclude that in general adolescent soldiers are sufficiently morally developed to be RC morally competent. Moreover, whilst trauma may affect their moral competency in some limited ways, much in the same way that I have argued in the previous chapter on psychological complexity, we must take cases on an individual basis rather than assume that all child soldiers have been affected in this way.

5.3.1 Moral Development in Children

Piaget's (1932) classic theory of moral development is essentially focused around two stages. In the first stage (typically in children younger than around 10 or 11), children see morality as absolute and authority-driven (that is, that the rules are given to us by those in charge, for example parents, and cannot be changed) (Crain, 1985, p.118). Moreover, in this stage there is a focus on the consequences of an action rather than the wrongness of the action itself. Piaget (1932, p.137) describes a situation in which a child breaks 15 cups helping their mum, versus a child breaking one cup stealing a cookie. In this stage, children are most likely to see the child who broke 15 cups as doing something worse than the child who broke one cup as the damage (the consequence of the action) is worse (Crain, 1985, p.118).

In the second stage (typically post 11 years-of-age), a child's view of morality changes to a more relativistic view of rules – they are seen as useful in helping us cooperate, but the rules can be changed or broken if we agree as a collective (Crain, 1985, p.118). Furthermore, children begin to understand wrongness to be a matter of intention. In the previous case, in the

second stage children are more likely to see the child who broke one mug as doing something worse because they were also stealing a cookie and they are able to judge the motives of the child (Piaget, 1932, p.137).

It is these two stages on which Kohlberg based his equally famous work. Via interviews in which various choice dilemmas were discussed, Kohlberg (1963, pp.13-14) identified “six developmental types [which] were grouped into three moral levels”.¹⁰⁰ These developmental stages are as follows:

¹⁰⁰ These choice dilemmas were various situations in which the child was asked to reason why the person in the example should or should not have done what they did. Kohlberg (1963) was not concerned with how the children answered the question, but rather the reasoning behind their answers with the interviewer asking further questions to elicit this reasoning (Kohlberg, 1963, p.19). This reasoning was then classified into one of the six stages of moral thinking (Kohlberg, 1963, pp.16-17). An example of such dilemmas is Kohlberg’s (1963, pp.18-19) famous Heinz dilemma: “In Europe, a woman was near death from a special kind of cancer. There was one drug that the doctors thought might save her. It was a form of radium that a druggist in the same town had recently discovered. The drug was expensive to make, but the druggist was charging ten times what the drug cost him to make. He paid \$200 for the radium and charged \$2,000 for a small dose of the drug. The sick woman’s husband, Heinz, went to everyone he knew to borrow the money, but he could only get together about \$ 1,000 which is half of what it cost. He told the druggist that his wife was dying and asked him to sell it cheaper or let him pay later. But the druggist said: “No, I discovered the drug and I’m going to make money from it.” So Heinz got desperate and broke into the man’s store to steal the drug-for his wife. Should the husband have done that?”.

Figure 2

Level I: Pre-Moral	Type 1: Punishment and obedience orientation
	Type 2: Naive instrumental hedonism
Level II: Morality of Conventional Role Conformity	Type 3: Good-boy morality of maintaining good relations, approval by others
	Type 4: Authority-maintaining morality
Level III: Morality of Accepted Moral Principles	Type 5: Morality of contract, of individual rights and democratically accepted law
	Type 6: Morality of individual principles of conscience

(Kohlberg, 1963, pp.13-14)

Kohlberg (1963, p.16) argues that, as individuals develop starting from type 1, they move through these stages with each subsequent type replacing the other. In the interests of brevity, I will not discuss the specifics of each of the six types of moral thinking in detail but rather instead group this discussion into the more general three levels of moral thinking.

Before discussing the different levels of moral development, it is important to note that Kohlberg's (1963, 1984) work has often been criticised for an apparent sex bias. Not only were the participants of his studies all boys, but the emphasis on justice in his work negates the importance of more feminine approaches to morality such as compassion (Gilligan, 1977, Gilligan, 2003). Gilligan (1977, p.482) argues that the relational aspects of moral competency are often understood in theories of moral development to be a deficiency rather than a different understanding of morality. In order to combat this, Gilligan (2003, p.3) interviewed both men and women about how they define moral problems "and what experiences they construed as moral conflicts in their lives" in order to develop a theory of moral development which was more encompassing of the experiences of both genders. In what follows I will outline

Kohlberg's (1963, 1984) levels of moral development through a Gilligan-inspired (1977, 2003) lens to incorporate a feminist voice.

Level I: Pre-Moral

Much like Piaget's (1932) first stage of moral development, type 1 reasoning typically focuses on the authoritarian nature of rules and threat of punishment (Kohlberg, 1963, p.20). This kind of reasoning is exemplified in moral thinking which gives weight to rewards and punishment relating to following or disobeying rules, rather than to the more ego-centric consequences of acting which are reflected in type 2 (Kohlberg, 1963, pp.20-23). In essence, type 1 thinking values the rules above all else, whereas type 2 thinking begins to consider the interests the child themselves has, and how people's interests underlay social organisation. Reciprocity, for example, may begin to be considered, which Kohlberg (1963, p.23) states is the beginning of internal thinking in that unlike type 1 "it is not simply a reflection of direct teaching by others".

I believe the difference in type 1 and type 2 thinking can be illustrated with the following example. Someone is playing with your favourite toy. You want to snatch the toy off them, but you know it would be wrong to do so. Type 1 thinking may see this as wrong because your teacher imposes a "no snatching!" rule. However, type 2 thinking may see snatching as wrong because the other person would not snatch the toy off you.

So, are these two types of thinking enough to ground RC moral competency? If as I have argued in the previous section RC moral competency requires being able to appropriately recognise and be moved by moral reasons, then these types of moral thinking may meet that condition. After all, if children can recognise rules, punishments, and their own interests as

reasons, and act upon them, this may be enough to ground RC moral competency.¹⁰¹ The type 1 thinking child recognises that there is a *rule* against snatching, and the type 2 thinking child sees *mutuality* as important.

However, as Kohlberg (1963, pp.23-24) himself notes, whilst type 1 and 2 thinking may recognise these reasons, persons in these stages do not judge these reasons to be based on moral obligations. Under Kohlberg's (1963, pp.23-24) view then, whilst type 1 and 2 thinking may recognise that there are reasons for or against action, and in turn they may act upon them, they are not framed in terms of moral norms.¹⁰² Instead, these for and against reasons are reasons such as 'there is a rule against that' not 'there is a rule because this is bad'. The type 1 thinking child does not understand the rule as moral, only as a reason not to do the action. Similarly, the type 2 thinking child only sees a kind of 'what's in it for me' reciprocity. As such, type 1 or 2 thinking would not ground RC moral competency because the children in these stages do not recognise these decisions as moral decisions.

A child who only reasons under type 1 or 2 thinking is thus arguably not morally competent enough in the way that is required for responsibility. Whilst Kohlberg (1963) does

¹⁰¹ This is, of course, if we see following rules as the basis of a basic morality, and that this is enough to ground RC competence in moral understanding. For example, in **Psychopath**, is it enough that Frankie understands that stealing is socially frowned upon even if she cannot reason as to why? Whilst it may seem initially intuitive that Frankie could be morally responsible for stealing since she knows that stealing is bad (at least in the eyes of others), I believe that this is not enough to ground RC moral competency. Since Frankie is unable to understand the moral reasons as to *why* stealing is wrong, if she were to decide to not steal from George, she would be basing this decision on that fact that it is bad to break conventional rules (in this case the rule to not steal) rather than the idea that stealing itself is morally wrong.

¹⁰² Leading on from the discussion of **Psychopath** in the previous footnote, since Cam does not frame the wrongness of the action in terms of *moral* goodness and badness but rather sees stealing under the guise of *conventional* goodness and badness, she is not morally responsible.

not give explicit age ranges for these stages, Dubuc (2002, n.p.) suggests that type 1 thinking would typically be associated with children between the ages of 2 or 3 to 5 or 6, and type 2 with children between 5 and 7 or even 9 in some cases. It is important to note that research suggests children can make the distinction between moral and conventional judgments as young as 39 months (Smetana and Braeges, 1990, Smetana et al., 1993). We could therefore expect children who exhibit type 1 or 2 thinking to be able to decide if a rule is moral or conventional, unlike in **Psychopath**.¹⁰³ This seems to suggest that children of this age could reason morally since they can *recognise* moral reasons, even if they are the not reasons they act for.

However, this is not to say that Level I moral thinking exhibits any more moral competency than Cam in **Psychopath**, and therefore they are not RC morally competent. Whilst people exhibiting Level I thinking may be able to decide whether a reason is a moral or conventional reason, it does not mean that they are guided by the moral reasons. Under Level I moral thinking, it seems that the children still decide that it is bad to break the rule because it came from authority rather than because the action itself is bad.

The kinds of decisions that are made in type 1 and 2 thinking do consider moral reasons, but the child is not guided by them under that description. For example, on the surface type 2 thinking reciprocity seems to be a judgment of fairness, but it is not actually the fairness reason which guides type 2 thinking. Instead, it is more of a self-interested judgment which guided type 2 decision-making, perhaps of the form ‘if I do this for them, they will do good things for me’ and vice versa. If we recall the discussion of Fischer and Ravizza (1998, pp.63-64) at the

¹⁰³ See the **Psychopath** case in §5.2.1.

beginning of this chapter, they argue that for a person to be RC morally competent they must be acting *for the moral reason*, not just coincidentally in accord with the moral reason. Much in this same way, type 1 and type 2 thinking does not properly consider moral reasons, children who think in these ways may not be considered morally competent. In Kohlberg's (1963, p.24) own words "type 1 and type 2 children do not express attitudes toward "the good" and "the right" like those we take for granted in adults".

Level II: Morality of Conventional Role Conformity

If the first level of moral thinking is not sufficient for moral competency, then what about the second? This is where the stereotypical thinking of "the good" and "the right" comes into play typically in preadolescent children (Kohlberg, 1963, p.24). Type 3 and 4 thinking goes beyond simply following authority, with type 3 considering intentions and character, and type 4 "showing your respect for authority" (Kohlberg, 1963, p.25). It is this level that Gilligan (1977, p.484) argues most women are seen to fall into; "the very traits that have traditionally defined the "goodness" of women, their care for and sensitivity to the needs of others, are those that mark them as deficient in moral development".

Kohlberg (1963, p.26) provides five cognitive and motivational characteristics he believes are central to type 3 and 4 thinking: "moral stereotyping", "intentionalism", "positive, active and empathic moral definition", "sensitivity to and self-guidance by anticipated approval

or disapproval”, and “identification with authority and its goal”.¹⁰⁴ These characteristics suggest that a person who is capable of type 3 and 4 thinking has the ability to empathise with other people and consider what their expectations would be in the situation (Kohlberg, 1963, p.26).

Thus, in Level II moral thinking there is an emphasis on interpersonal decision-making which was lacking in Level I (type 1 and 2) thinking (Gilligan, 1977, 2003). Both type 3 and type 4 thinking seem to be controlled “by anticipation of praise and blame” (Kohlberg, 1963, p.25). Type 3 focuses on personal reasons to praise and blame such as sympathy and affection which emphasise the other members of society, whereas type 4 employs more moral rule-based thinking in terms of justice, for example, which emphasises the norms and laws of the society (Kohlberg, 1963, p.27). These stages seem to be developed at the ages 7 to 12 for type 3, and 10 to 15 for type 4 (Dubuc, 2002, n.p.).¹⁰⁵

So, what does this mean for how individuals at this stage make moral decisions? In type 3 and 4 reasoning, thinking about moral reasons is further developed than in type 1 and 2 thinking. Type 3 and 4 moral thinking shows both the ability to identify moral reasons and suggests that those employing this type of thinking would be *moved by it* to avoid blame or to receive praise. Returning to the example of stealing a child’s toy, a type 3 thinking child would perhaps refrain from snatching the toy because they do not want to be blamed, and a type 4

¹⁰⁴ Moral stereotyping refers to defining “the good in terms of kinds of persons and roles in terms of moral virtues” (Kohlberg, 1962, p.26). Intentionalism is making moral judgments on the basis of the intention (Kohlberg, 1962, p.26). Positive, active, and empathic moral definition refers to defining goodness in terms of service to others or out of concern for their feelings, rather than simply as obedience (Kohlberg, 1962, p.26). Sensitivity to, and self-guidance by, anticipated approval or disapproval, and identification with authority and its goal are both motivational characteristics that understand moral motivation as related to role-taking, and others’ expectations in the situation (Kohlberg, 1962, p.26).

¹⁰⁵ This age group is beginning to capture the most typical ages of child soldiers.

thinking child would not snatch because it would not be fair to do so. Moreover, it seems that this is the kind of moral thinking most of us as rational agents employ on a daily basis. As will become apparent in my discussion of Level III moral reasoning, any further moral reasoning may be useful but not necessary for RC moral competency.

Returning to what RC moral competency requires, there seems to be three criteria which Level II (type 3 and 4) moral thinking successfully meets: (1) the ability to think of reasons as moral reasons, (2) being generally right about what these reasons are, and (3) the ability to acknowledge reasons other than those conferred by authority as moral reasons. The first - the ability to think of the reasons as moral reasons - was beginning to be developed in Level I (type 1 and 2) and becomes firmly developed in Level II (type 3 and 4).

The second - that the child must be generally right about what the moral reasons are – is arguably a more stringent condition. For example, seeing the child who you snatched the toy from crying is a reason to not act in that way. In Level I (type 1 and 2) thinking this would typically be because causing another person to cry would be a reason to be punished (and this would be bad), whereas Level II (type 3 and 4) thinking will see the crying itself as a moral reason as it is morally wrong to upset others. Level I thinking, therefore, is not right about what the moral reason is – the morally salient reason not to snatch is not the fear of punishment, but the avoidance of harming others.

The final criterion for RC moral competency that seems to be met in Level II (types 3 and 4) thinking is the ability to acknowledge reasons other than authority as moral reasons. On Level II thinking, I propose that it is becoming more apparent that punishment and reward can exist outside of authority in that how others perceive us is also important. If being morally responsible is being an appropriate object of praise and blame (as I have outlined in Chapter 3),

then Level II (type 3 and 4) thinking captures this interpersonal aspect. For example, a person employing Level II (type 3 and 4) thinking may not be as susceptible to making morally bad decisions because they will be rewarded by authority if they do so since they would be punished (i.e., blamed or shamed) by their peers.¹⁰⁶ For example, a child at this level of thinking may not choose to steal even if an older sibling would reward them with sweets because (1) they recognise stealing as morally wrong and (2) they know that society will shame them for this morally bad action.

Overall, in this level of moral development individuals seem to become aware of the social aspects of their actions, whether this is at the interpersonal level of praise and blame, or more structured level of law and social norms.

Level III: Morality of Accepted Moral Principles

The final stages of moral thinking go beyond the notion of morality as set by authority. Kohlberg (1963, pp.28-29) states that these types of moral thinking recognise that norms may conflict, and in doing so those individuals with Level III thinking attempt to make rational decisions to solve the conflict. Type 5 thinking employs law and social contracts, for example, to make sense of these conflicts, but recognises that what is legal or illegal may not be right or wrong

¹⁰⁶ It is of course a different matter if the threat of not performing this morally bad action wanted by authority is enough to coerce the agent into committing the action anyway. In circumstances such as this, I believe it is enough for the agent to recognise that the action they are performing is morally wrong even though they are rewarded (or avoid punishment) by authority for doing so. I will discuss excusing conditions of moral responsibility in the remainder of this thesis. Coercion is specifically discussed in §7.3.

(Kohlberg, 1963, p.28). Type 6 thinking goes further than this and seems to use moral principles (Kohlberg, 1963, p.28). These more mature forms of moral reasoning seem to be more prominent from ages 10 to 16 (although Kohlberg's (1963, p.31) research did not extend past 16-year-olds so we can assume that this reasoning would increase past 16).

Whilst useful, I do not believe that the ability to reason in these higher ways is necessary for RC moral competency. Much in the same way that Fischer and Ravizza (1998, p.43) see strong reasons-responsiveness as praiseworthy but superfluous to moral responsibility, I believe that the ability to make theoretical moral judgments, such as those based on principles such as justice, is unnecessary. I will return to this idea when considering the moral norms child soldiers must recognise to be morally responsible for their actions in Chapter 6.

So, what do these stages of moral competency mean for the moral responsibility of child soldiers? Considering that most child soldiers fall somewhere in the ages captured by Level II and Level III moral thinking, it seems relatively intuitive that they would typically possess the relative skills needed to be morally competent – namely, the ability to recognise the relevant reasons as moral reasons and use these reasons to influence their decision-making. Consider the following testimony:

Realistically, if the enemy is approaching and destroying your community, how can you stand back? ...Sometimes people were exploiting us...I want to save my island and my people.... I have five brothers. Four joined the fighting, three joined before me. I want to defend my island and my people. My parents supported me. They know it's the right thing. If people don't join, there wouldn't be anyone to guard the families. My parents know our island is our life. ...The reason for going with the BRA was for a common goal.

[Papua New Guinea – joined when he was 17, now 25]

(UNICEF, 2003a, p.26)

This child soldier recognises protecting their family and community as a moral reason, and this influences their decision to fight. This testimony thus seemingly goes against the dominant view held within discussions of the moral responsibility of child soldiers (particularly the view held by charities and NGOs) as they are usually seen as wholly unable to make moral decisions.¹⁰⁷

However, this is not a complete revelation. Whilst international law will not prosecute children under 18 years of age, this is not the case in domestic law – for example the age of criminal responsibility in England is 10 years old (Crown Prosecution Service, 2017, n.p). Whilst of course the age of criminal responsibility must also consider other concerns such as public safety, it surely must be the case that there is a level of moral competency needed to be held criminally responsible.

5.3.2 *The Effects of War on Moral Competency in Children*

I argued in the previous section that adolescents are generally morally competent. Child soldiers, however, may also be affected by the trauma they experience in war. Research into the ways war and conflict negatively impact children's moral development or moral understanding

¹⁰⁷ I have sketched this view of child soldiers in chapter 2, specifically §2.5.

is limited. However, there is some research suggesting that war-exposed children do acquire moral concepts, and learn to apply them, although these concepts are applied selectively to themselves and others (Wainryb, 2011, p.274). In this section, I will outline three models of the effects of trauma on moral competency: the moral disengagement model, the PTSD model, and the notion of moral injury.¹⁰⁸ I will take each model in turn and outline the ways that trauma from war is said to affect RC moral competency.

As I explained in the previous section, children adopt moral standards generally as they age, and thereafter gradually begin to use these moral standards to regulate their own (and appraise others') behaviour. Bandura (1990, 2002), in outlining the moral disengagement model, argues that self-regulation, however, is not as simple a process as moral reasoning giving rise to self-regulation. Bandura (2002, p.101) argues that "moral functioning is [...] governed by self-reactive selfhood rather than by dispassionate abstract reasoning". Self-regulation is therefore not a perfect mechanism. Individuals do not just come to understand moral reasons, and then instantly act in accordance with them correctly every time.¹⁰⁹ Other psychological and sociological mechanisms play a role in, and may interfere with, self-regulation and may mean that the individual does not effectively self-sanction (Bandura, cited in Gini et al., 2014, p.57). Bandura (2002, pp.102-111) identifies eight mechanisms of moral disengagement:

¹⁰⁸ PTSD has also been discussed in §4.3.2 in relation to psychological complexity.

¹⁰⁹ This touches on the distinction between reason receptiveness and reason reactivity in the Reasons-Responsiveness account.

1. Moral justification
2. Euphemistic labelling
3. Advantageous comparison
4. Displacement of responsibility
5. Diffusion of responsibility
6. Disregard or distortion of consequences
7. Dehumanisation
8. Attribution of blame

(Bandura, 2002, pp.102-111)

These mechanisms work by creating a gap between the person's *abstract* ideas of moral behaviour, and their *actual* actions (Gini et al., 2014, p.57). To illustrate consider the following examples for each mechanism. First, moral justification portrays a morally bad action as having a moral purpose or serving the greater good (Bandura, 1990, p.29). For example, the torture of prisoners of war may be justified because the information obtained from the prisoners can protect the nation. Second, euphemistic labelling may seek to reframe the wrongdoing as something less morally bad (Bandura, 1990, p.31). An example is the use of the phrase 'collateral damage' rather than civilian casualties. Third, advantageous comparison works by comparing the wrongdoing to something that is morally worse (Bandura, 1990, pp.32-33), 'I might be a thief but at least I'm not a murderer' is a phrase that encompasses advantageous comparison. Fourth, displacement of responsibility as a mechanism may seek to blame someone else for the action, such as those in higher command (Bandura, 1990, p.34). 'It wasn't my fault, my boss made me do it', and 'I was just carrying out orders' are examples of phrases that displace responsibility.

Fifth, diffusion of responsibility works in group decision-making where the responsibility is shared between the group and the level of responsibility for each individual is therefore minimised (Bandura, 1990, p.36). This can happen through division of labour, group decision-making, or collective action (Bandura, 1990, pp.36-37). As an example, Bandura (1990, p.36) describes workers on a production line for bomb completing their specific, and fractional job as a way to diffuse responsibility through the division of labour. Sixth, consequences can be disregarded or distorted by either avoiding recognising the harm caused, or minimising just how harmful the consequences were (Bandura, 1990, p.37). ‘Don’t be silly, you’re not *that* injured, it’s only a bit of blood’ is perhaps an example of distortion. Interestingly for this thesis – particularly given the hierarchical nature of soldiering - Bandura (1990, p.37) argues that distortion often happens when the person acts alone, and disregard is more prevalent when the perpetrator is detached from the consequences such as those at the top of a decision-making hierarchy. The seventh mechanism of moral disengagement, dehumanisation, occurs when the perpetrator deprives their victim of some human quality, and therefore sees them as less deserving of moral concern in order to validate the wrongdoing in some way (Bandura, 1990, p.38). Bandura (1990, pp.38-39) notes the animalistic imagery that is often used to describe victims such as “pigs” and “worms”. Finally, attribution of blame occurs when the perpetrator feels they were caused to commit the wrongdoing by another person or the situation they were in (Bandura, 1990, p.41). ‘It wasn’t by fault, what was I supposed to do?’, or ‘it wasn’t my fault, they made me do it’ are examples of this mechanism. By using any of these eight mechanisms an individual is able to protect themselves from negative self-reactive attitudes (such as blame or shame) (Gini et al., 2014, p.57).

Returning to child soldiers then, in many cases they may meet the conditions of moral competency outlined in the first half of this chapter. However, by using moral disengagement

mechanisms they may absolve themselves from guilt in a few different ways. For example, they may restructure the meaning of their behaviour, either by morally justifying their behaviour as serving a purpose, using euphemisms, or comparing their behaviour to some other, more heinous act. Child soldiers could also distort their responsibility for the action, for example by displacing the responsibility for their actions onto authority (“and so they ordered me to kill a person”), diffusing the responsibility onto the whole group, or minimising the weight of the harm they have caused (Wainryb, 2011, p.273). Finally, child soldiers may morally disengage by dehumanising or attributing blame to the victim. Wainryb (2011, p.227) notes that what these mechanisms seek to do is essentially “persuade individuals that what they are doing is either not wrong or not really their doing”.

If a child soldier is affected by trauma in this way and morally disengages, what are the consequences of this on their moral competency? If a child soldier is performing moral disengagement which aims to *absolve* them of responsibility (for example, displacement of responsibility, diffusion of responsibility, or attribution of blame), I argue this does not affect their moral competency. In these cases, it is not that the child soldiers do not have the capacity to understand the morally salient features of the situation, but rather that they do not want to see themselves as morally responsible for the action. When individuals do this, they judge that the actions they have performed are morally wrong but seek to distance themselves from those morally wrong actions. They are therefore morally competent in the sense that they understand and judge the action to be morally wrong and therefore their trauma response aims to distance them from it. To illustrate, consider the testimony from a child soldier taken from Wainryb (2011, p.286):

Well – once the comandante he ordered, he ordered me and another guy – to go kill a man in a plantation – because he had cows, all of that, he had cattle, so he ordered us to kill him because he didn't, he didn't give away any of the cows he had – so he ordered us to kill him. And we killed him, and we had to take him, we took him and buried him. We tied him up and we – and we killed him over there where all our compañeros were. WHAT ELSE DO YOU REMEMBER? The comandante like – he ordered me to kill him and I was afraid and – he said to me that if I didn't kill him that – that they will kill me and so I had to do it – so I was all – all scared – thinking that they would kill me too. AND HOW OLD WERE YOU WHEN THAT HAPPENED? I was – I was about 9 years old. (M-6; age 16)

(Wainryb, 2011, p.286)

M-6 in the testimony above seems to understand that killing the man in the plantation is wrong as they do not want to do it. However, by repeating that they were ordered to do so, M-6 seems to be distancing themselves from the morally wrong action. Put simply, M-6 is able to recognise and be moved by moral reasons, and therefore meets the condition of moral competency I have outlined in the first half of this chapter. It is just that the situation means they could not perform the wrong action of killing the man in the plantation because they would have been killed by their comandante themselves if they had resisted.¹¹⁰

¹¹⁰ The effect of force or coercion on moral responsibility will be discussed in chapter 7, specifically §7.2 and §7.3 respectively.

The effect on moral competency of moral disengagement which aims to *distort* the situation into a morally neutral or even morally praiseworthy action (such as moral justification, euphemistic labelling, advantageous comparison, or disregard and distortion of consequences) may not be as clear. On the surface, it seems that the perpetrator does not recognise the relevant moral reasons. For example, it may seem that the perpetrator does not think killing their victim is wrong, either because they do not see the victim as innocent (as in euphemistic labelling for example), or because they do not see killing them as wrong (because of moral justification).

However, moral disengagement does not affect whether the perpetrator sees the action as good or bad, but rather it affects the way in which, or even whether, the perpetrator self-sanctions. It is the *justification* of the action that has changed, not the moral judgment itself. As such, I argue that perpetrators who partake in this kind of moral disengagement are only adding a post hoc justification to their action – that the action was not morally wrong – rather than judging the action as morally neutral or morally good initially. Further, and perhaps even stronger, in trying to rationalise *away from* these moral reasons, perpetrators are being *moved by* the moral reasons, although they are being moved to morally disengage rather than act in accordance with the moral reasons. Moral disengagement therefore does not undermine RC moral competency since those who morally disengage are recognising moral reasons and acting upon them, although not in accordance with them.

Wainryb (2011, pp.277-278) also offers two critiques of moral disengagement as a phenomenon in the first place. The first argues that the evidence used to determine whether an individual is morally disengaged is only, *and can only*, be from the person themselves testifying that they are blameless (Wainryb, 2011, p.277). We therefore cannot distinguish between people

who see themselves as blameless because they have morally disengaged, and those who see themselves as blameless because of other reasons such as motivated reasoning.

Secondly, Wainryb (2011, pp.277-278) suggests that there is no evidence that persons, apart from psychopaths, are able to morally disengage to the extent that they do not see themselves as morally responsible at all – there is always “a lingering sense of agency”.¹¹¹ Similarly, there is limited evidence of individuals being able to fully rationalise away from moral conflict as the initial judgment that has led to the conflict remains (Wainryb, 2011, pp.277-278). As such, those who ‘morally disengage’ in the way Wainryb (2011, pp.277-278) describes, only do so to an extent. If it is the case that people generally either do not morally disengage, or only morally disengage to a certain extent, they would still meet the condition of moral competency as they do indeed recognise moral reasons and cannot rationalise away from them. Moral disengagement may therefore not have an effect on the RC moral competency of child soldiers, or only affect the RC moral competency of child soldiers to an extent.

If there are problems with the moral disengagement model as a way of understanding the RC moral competency of child soldiers, we are left with other models that may better explain why child soldiers are typically seen to not be morally competent. Wainryb (2011, pp.278-280) identifies the PTSD model as a way of acknowledging and focusing on long-term distress associated with experiencing extreme violence. This is in direct contrast to the moral disengagement model since, rather than minimising the likelihood of internal trauma from

¹¹¹ Recall the discussion of psychopaths in §5.2.1.

experiencing and/or participating in extreme violence, the PTSD model focuses on the internal distress that can be caused Wainryb (2011, p.278).

In individuals who experience PTSD there are “marked alterations in arousal and reactivity associated with the traumatic event(s), beginning or worsening after the traumatic event(s) occurred” which can include angry outbursts which may be verbal or physical that have little provocation, hypervigilance, and reckless behaviour (American Psychiatric Association, 2013, pp.271-272).¹¹² The PTSD model also recognises that individuals may experience some dissociative symptoms such as depersonalisation (feeling detached from themselves), or derealisation (experiencing unreality of their surroundings such as feeling as if they are in a dream, or that the world is distorted) (American Psychiatric Association, 2013, p.272). These features of PTSD may have a bearing on RC moral competency as they may impair the individual’s capacity to recognise moral reasons, especially if they experience dissociative symptoms. For example, an individual in a depersonalisation episode may not feel that the moral decisions being made are their own or may experience blunted emotions (Simeon, 2004, p.344).

Studies of PTSD rates in child soldiers are rare and the results vary. For example, in a study of former Ugandan child soldiers (n=71), 97% (n=69) of the children showed clinically significant rates of PTSD (Derluyn et al., 2004, p.862). However, in a later study of former child soldiers in Uganda and the Democratic Republic of the Congo (n=169), just over a third of participants (34.9%, n=59) met the symptom criteria for PTSD (Bayer et al., 2007, p.558).

¹¹² Other alterations include irritability, self-destructive behaviour, exaggerated startle response, problems concentrating, and sleep disturbances (American Psychiatric Association, 2013, pp.271-272).

What is clear from these studies however is that some child soldiers do present with PTSD symptoms.

Whilst Wainryb (2011, p.279) notes the clinical value of the PTSD model, she ultimately argues it fails to acknowledge the complex moral agency of perpetrators particularly in war. This is because the PTSD model falls into the victim-perpetrator binary. Under the PTSD model, people in war are often categorised as both perpetrators of violence, and victims of trauma – but this trauma is only in relation to the stresses of the battlefield (for example, fear or injury, and the grief of seeing friends killed), and typically does not include the trauma and stress associated with the perpetration of violence Wainryb (2011, p.279). The PTSD model therefore does not acknowledge the ways in which perpetrators may explain or justify their wrongdoing, or the ways in which their participation in wrongdoing may affect their RC moral competency.

Indeed, the DSM-5 does not directly acknowledge being a perpetrator of violence as part of the criteria for PTSD, noting only four types of exposure; (1) “directly experiencing the traumatic event(s)”, (2) “witnessing, in person, the event(s) as it occurred to others”, (3) “learning that the traumatic event(s) occurred to a close family member or close friend”, and (4) “experiencing repeated or extreme exposure to aversive details of the traumatic event(s)” (American Psychiatric Association, 2013, p.271).¹¹³ Litz et al. (2009, p.696) note that the

¹¹³ Please note that these criteria are for adults and children over the age of 6. For children 6 and younger, there are three experience criteria, (1) “directly experiencing the traumatic event(s)”, (2) “witnessing, in person, the event(s) as it occurred to others, especially primary caregivers”, and (3) “learning that the traumatic event(s) occurred to a parent or caregiving figure” (American Psychiatric Association, 2013, pp.272-273). For the purposes of this thesis however this difference is not of importance.

omission of “moral conflict-coloured psychological trauma” from the PTSD model, and even clinical care in general, may be caused by a number of reasons. Some of these reasons include the emphasis on events that cause fear in clinical care and research, the notion that ethical conflict is outside of the realm of clinical care, or even that perpetrators do not disclose these moral violations out of shame (Litz et al., 2009, p.696).

The PTSD model then can only examine the *aftereffects* of violence on child soldiers, not the way in which child soldiers may grapple with understanding participating in the violence of war (Wainryb, 2011, p.279). Whilst important for understanding how trauma affects individuals, and in this case child soldiers, the PTSD model gives us little tools to understand how child soldiers wrestle with the morality of their actions in the moment. Unlike the moral disengagement model which describes ways in which child soldiers may seek to solve their inner moral conflict, the PTSD model does not bear on these concerns.

The concept of moral injury has been introduced in part to fill this gap (Litz et al., 2009).¹¹⁴ Related to the PTSD model, moral injury describes the distress someone may feel from “perpetrating, failing to prevent, bearing witness to, or learning about acts that transgress deeply held moral beliefs and expectations” (Litz et al., 2009, p.700).¹¹⁵ In morally injurious cases individuals often describe a loss of a sense of agency as their actions are controlled by events around them such as overarching strategies or hierarchical rules (Jones, 2020, p.127).

¹¹⁴ Jones (2020, pp.127-128) notes that moral injury was considered for inclusion in the DSM-5, but due to a lack of consensus about its nature and how to measure it in a clinical setting, it was ultimately rejected. Moral injury shares similarities with PTSD, particularly in the affective domain (Jones, 2020, p.127). Because of this, it is often understood as related to PTSD, rather than as a distinct diagnostic category (Litz, 2009, p.696). For discussions of moral injury as distinct from PTSD see Barnes, et al. (2019) and Griffin, et al., (2019).

¹¹⁵ For detailed accounts of moral injury see Denov (2002), Dombo, et al. (2013), and Molendijk (2023).

Moral injury is typified by feelings of shame and guilt as the individual has acted in a way that goes against their moral belief system. In the terms of this thesis, a morally injurious action can be described as an action that does not flow from the person's real self. Moral injury is therefore the conflict that happens when the individual cannot reconcile the conflict between their real self and the action they have performed which leads to negative self-reactive attitudes such as guilt and shame. These feelings mean the individual becomes withdrawn, self-condemns, or fails to forgive themselves for the transgression, and can ultimately lead to behavioural, cognitive and emotional repercussions including avoidance or numbing behaviour, self-harm or demoralisation (Litz et al., 2009, p.700).

Given that moral injury is a still-emerging concept, there has been very little empirical study into whether child soldiers experience moral injury. A study of adult combatants in the Canadian Armed Forces found that of those deployed, over 65.2% reported exposure to at least one potentially morally injurious event (Hansen et al., 2021, p.766). Given the experiences of child soldiers, some of which have been discussed in §2.3, it seems reasonable to assume that child soldiers may be exposed to at least the same amount of potentially morally injurious events. In the only study available at my time of writing on moral injury in child soldiers, Wong (2022, pp.850-851) found that of the 459 former child soldiers in Liberia who participated in the study, the child soldiers who had committed violent acts had a higher risk of moral injury.¹¹⁶

¹¹⁶ On average, child soldiers in the study who had committed some violent acts had a moral injury score 2.89 (p=0.009) units higher than those who did not commit any violent acts (Wong, 2022, pp.850-851). Those who had committed some acts of violence had a moral injury score on average of 4.92 (p=0.015), and those who have committed plenty of violent attacks were on average 7.66 (p=0.000) (Wong, 2022, pp.580-581).

Interestingly, younger former child soldiers in the sample were more resilient to trauma stress than adults, provided that they had not committed violent acts (Wong, 2022, p.854).

What bearing does moral injury have on the RC moral competency of child soldiers? Importantly for this chapter, the concept of moral injury suggests that those who experience it are RC morally competent. Much like the moral disengagement model, an individual would not experience moral injury (or would not morally disengage) if they did not understand the moral reasons for or against the action. Put simply, an individual would not feel shame about their morally wrong action if they did not see that action as wrong in the first place. Moral injury is therefore only possible in individuals who are RC morally competent – that they can recognise moral reasons and be moved by them is demonstrated by the fact they feel they did something wrong. Child soldiers who experience moral injury therefore demonstrate RC moral competency.

This section has surveyed three models of how traumatic events in war can affect the RC moral competency of child soldiers. Whilst child soldiers may experience moral disengagement, and moral injury, in doing so they show commitment (and therefore understanding) to moral reasons, and the ability to be moved by them. The moral disengagement model and notion of moral injury do not show a lack of RC moral competency in child soldiers, and in fact may show that child soldiers who experience moral disengagement or moral injury are RC morally competent. The PTSD model perhaps has more of an effect on RC moral competency in that the symptoms of PTSD, particularly dissociation, may impair RC moral competency if the individual is unable to recognise moral reasons whilst experiencing a dissociative episode. Importantly however, this impairment may only last as long as the episode of dissociation. In general, experiences child soldiers may have in war and the decisions they

have made which they have to grapple with have a limited effect on their RC moral competency. Whilst the symptoms and experiences of these models may affect the moral responsibility of child soldiers in other ways, child soldiers are typically RC morally competent and therefore not exempt from moral responsibility in this way.

5.4 Conclusion

This chapter has sought to argue for two things. First, that for a person to be RC morally competent they must be able to (1) identify the relevant moral reasons to act (or not act) and (2) be able to act upon them. This has been argued through an examination of the Reason view and Reasons-Responsiveness view of moral responsibility. Second, based on this account of RC moral competency, I have argued that in general children are able to meet these conditions. The trauma that child soldiers may experience both as a victim of violence in war and as a perpetrator participating in violence, can affect their RC moral competency, however, not in the ways that are typically cited. I have argued that even if a child soldier morally disengages or experiences moral injury, in doing so they are demonstrating RC moral competency – they are identifying relevant moral reasons, and acting upon them - although their acting is in a way so as to disengage or feel guilt and shame for their wrongdoing.

6. Ignorance

6.1 Introduction

As outlined in Chapter 2, child soldiers are often portrayed in the media and by charities and NGOs as nonresponsible agents unable to understand the meaning of their actions, and often under the control of their adult leaders (Thomason, 2016b, Van Engeland, 2019, p.185). The Kony 2012 campaign led by Invisible Children (2022, Russell, 2012) is symptomatic of this. In the viral video, phrases such as “[the child soldiers] don’t want to do what [Joseph Kony] says but he forces them to do bad things” are often used (Russell, 2012, 00:10:24-00:10:29).

Mark Drumbl (2012a), a prominent international law scholar, suggests that whilst portraying child soldiers as passive victims may be good for short-term media goals (perhaps such as raising awareness, or in the case of charities raising money to help with efforts to end child soldiering), this approach ultimately fails to consider the richer picture of the agency of child soldiers. In his own words:

It may amount to strategic short-term media outreach to portray child soldiers as passive clueless victims, as devastated, and as dehumanized tools of war robotically programmed to kill in purportedly senseless African wars. But these images belie a much more sublime, humanistic, and granular reality of resilience, agency, potential, and globality.

(Drumbl, 2012a, p.482)

But why does this matter? I believe that by not acknowledging the agency and moral responsibility of child soldiers, we are failing as a global community to recognise that child

soldiers are a part of our moral community. By portraying child soldiers as ‘clueless’ and ‘passive’, there is an implication that they are ignorant of either the factual or the moral considerations related to their actions. This portrayal of child soldiers draws on the excusing condition outlined in §3.4.1; an individual is excused from being morally responsible if they are ignorant to the moral considerations relevant to the situation through no fault of their own.

As I have argued in the previous chapter, for an agent to be morally responsible they must be RC morally competent (able to recognise and be moved by moral reasons). If an agent lacks these capacities, they are exempt from moral responsibility.¹¹⁷ This chapter focuses on a related *excusing* condition of moral responsibility – moral ignorance. Whilst an agent may reasonably be able to recognise and be moved by reasons (and they are therefore not exempt from moral responsibility), there may be situations in which they are unable to recognise the moral reasons *for that situation* through no fault of their own. It is this inability to recognise what the relevant moral reasons are that amounts to an *excuse*, rather than an exemption, for their moral responsibility as they are morally ignorant.

My argument in this chapter will be as follows. In §6.2 I will explore what factual ignorance and moral ignorance are. In §6.3 I will argue that because of the special conditions of war, there are specific moral reasons that can, and should, be recognised by combatants. In §6.4 I will argue that combatants must be able to recognise some of these reasons otherwise they are morally ignorant. If they do not recognise these reasons, they may be excused from

¹¹⁷ The culpability of agents, in this case, child soldiers, is also an important factor in assessing moral responsibility. However, culpability for ignorance is related to whether an agent is morally competent, which is discussed in the previous chapter. As this chapter focuses on what moral reasons agents in war should and could consider, this will not be discussed.

some of their moral responsibility if their ignorance is not their fault. This will take a hierarchical approach of the importance of different moral reasons in war and argue that combatants must be able to recognise human suffering and death, and basic *jus in bello* considerations to not be considered morally ignorant. Finally, §6.5 will explore whether child soldiers are able to recognise these moral reasons. I will argue that child soldiers are generally able to recognise the relevant moral reasons. As such, child soldiers are most likely not morally ignorant, and therefore not excused from their moral responsibility.¹¹⁸

6.2 Factual Ignorance and Moral Ignorance

I have alluded to the fact that there is a difference between factual and moral ignorance. To explain this difference, consider the following example of factual ignorance.

Kitten: Indy reverses their car off her drive. In doing so, Indy runs over her neighbour Jesse's kitten who is asleep under Indy's car. Indy was unaware that Jesse's kitten was asleep under the car.

(Fischer and Ravizza, 1993, p.7, Fischer and Ravizza, 1998, p.12)

In **Kitten**, Indy reverses her car off her drive. In doing so, Indy runs over Jesse's kitten who is asleep under Indy's car. In this case Jesse has not recognised the most salient fact of the

¹¹⁸ Importantly, this does not mean that I am arguing that child soldiers are morally responsible – other excuses such as those explored in the rest of this thesis may still apply – or that child soldiers can never be morally ignorant. All I am arguing for is that moral ignorance is not an excuse that can be assumed of all child soldiers like it is assumed in the stereotypical narrative outlined in §2.2.1 and §2.5.

situation – that Jesse’s kitten is asleep under Indy’s car. Indy is therefore factually ignorant. We can assume that had Indy known that Jesse’s kitten was asleep under the car, Indy would have acted differently. For example, Indy would have shooed the cat before driving off. Here I am also assuming that Indy couldn’t have been reasonably expected to have known that Jesse’s kitten was under the car.¹¹⁹ For example, we don’t typically check under our car every time before we drive off. This is a case of factual ignorance as Indy was not aware of the relevant facts. It is taken within the literature that factual ignorance such as this excuses moral responsibility because the agent is epistemically non-culpable (Alvarez and Littlejohn, 2017, Harman, 2011).

In contrast, moral ignorance focuses on moral reasons such as considerations of harm to others, or duties we may be morally required to fulfil. Moral ignorance therefore occurs when an agent does not recognise moral norms.¹²⁰ As Rosen (2003, p.64) explains, moral ignorance includes many different aspects; “One can fail to know what one ought to do in some particular case; one can fail to know a general moral rule. One can fail to know that people have certain rights, or that one has certain duties. One can fail to know that a certain act would be cruel or abusive, and so on. Moreover, one can fail to know these things without failing to know any pertinent matter of non-moral fact.” For example, an ancient slave owner may believe that

¹¹⁹ We may believe the contrary and argue that Indy should have known the cat would be under the car if she had some reason to believe that the cat may have been near or under the car. In this case, Indy would be culpably ignorant in a specific way. This culpable ignorance centres around the notion that even though Indy was not in a position to know the cat was under the car, she ‘should have known’. For more on the ‘should have known’ phenomenon and its relationship to culpable ignorance see Goldberg (2015).

¹²⁰ This is distinct from an agent not being *able* to recognise these reasons, which was the focus of chapter 5.

owning slaves is permissible as they do not recognise chattel slavery as wrong on moral grounds (Rosen, 2003, p.64).

Non-culpable moral ignorance can have a bearing on moral responsibility, whereas culpable ignorance seemingly does not. If you are culpably morally ignorant, this is because you have performed a “benighting act” which has led to your ignorance (Smith, 1983, p.547). A benighting act is one in which you could have acquired the information and ought to have done so, but you did not (Smith, 1983, p.547). As I have argued in the previous chapter, moral competence requires that an agent has the capacity to recognise moral reasons and act upon them. To be able to react to moral reasons requires a grasp on what the norms are – we cannot react to something we do not recognise. If an agent is non-culpably morally ignorant then, the agent cannot react to moral norms because they do not know what they are through no fault of their own (they have not committed a benighting act), and would therefore be excused, at least to some extent, of their moral responsibility.

To illustrate this, consider again the slavery case. Rosen (2003, p.65) stipulates that the slaver, had she thought owning slaves was wrong, would have acted differently. It seems that even if the slaver tried to reflect on the morality of slavery, “given the intellectual and cultural resources available” to her, the slaver would be very unlikely – and certainly not expected – to be able to see that chattel slavery is wrong (Rosen, 2003, p.66). The case of the slaver shows then that non-culpable moral ignorance is a plausible phenomenon.

Compare this to **Kitten**. In **Kitten**, Indy is simply unaware of a fact that is relevant to the moral case (that the kitten is under the car). Conversely, the slaver is unaware of moral norms (that enslaving people is wrong). Of course, factual ignorance and moral ignorance seem to be closely linked. Proponents of the Parity thesis argue that there is no difference in the way that

factual ignorance and moral ignorance excuse an agent's moral responsibility.¹²¹ On the other side of the debate, advocates of the Asymmetry thesis claim there is a difference between factual ignorance and moral ignorance (Alvarez and Littlejohn, 2017).

Whilst the differences between factual and moral ignorance are not the target for concern of this thesis, the way that moral ignorance can excuse moral responsibility is. In general, those who defend the Parity thesis argue that moral ignorance excuses moral responsibility because the ignorance is not deliberate (Hartford, 2019, p.1090). In the case of factual ignorance, it is a non-deliberate unawareness of the facts (the kitten being under the car), and for moral ignorance, it is a non-deliberate unawareness of the moral norms.

Like the case of the slaver above, non-culpable morally ignorant agents cannot help but be morally ignorant. If they could, they would not be excused of their moral responsibility because their ignorance would be deliberate. If the slaver could know the moral reasons why chattel slavery is wrong, she would therefore not be excused of her moral responsibility. The situation she finds herself in however means that she does not have access to this moral reason (because chattel slavery was not considered wrong in ancient societies). The slaver would therefore have to be some kind of "moral genius" to see that chattel slavery was morally wrong (Hartford, 2019, p.1100).¹²² Hartford (2019, p.1100) offers a further reason why non-culpable moral ignorance can excuse moral responsibility – that the ignorance was not motivated or formed by "prejudice or moral disregard". Like the slaver not acting in this way had she have known that

¹²¹ For two defences of the Parity thesis see Rosen (2003), and Zimmerman (2008).

¹²² The "moral genius" level Hartford (2019, p.1100) refers to may perhaps be similar to Level III of the moral development hierarchy presented by Kohlberg (1963, 1984). This is discussed in §5.3.1.

slavery is wrong, we can assume that she did not develop her ignorance out of a disregard for others, or ill will.

Both of these reasons for why non-culpable moral ignorance excuses moral responsibility fit within the framework this thesis develops. If moral incompetence exempts someone from moral responsibility because they cannot comprehend the moral reasons or be motivated by them as I have argued in the previous chapter, then it seems reasonable to suggest that if an agent is unable to access certain moral norms, then they can be excused, at least to an extent, of their moral responsibility. Moreover, the fact that their moral ignorance does not reflect ill will on their part fits with Real Self views of a responsible agent's actions reflecting their real self.

If it is at least plausible that non-culpable moral ignorance can excuse moral responsibility, then what reasons must an agent be able to consider? In what follows, I will outline what the moral norms are in the context of war, before arguing that child soldiers are not non-culpably ignorant of these morally salient reasons. Since factual ignorance will likely depend on the specific situation, this will not be discussed. This is not to say that moral ignorance is not situation-specific, but rather that there are some overarching moral norms that can be identified.

6.3 Moral Norms in War

So far, I have outlined how individuals being able to recognise moral reasons is a necessary condition of moral responsibility. But what are the moral reasons that combatants must consider in war? War is often regarded as a specific case and therefore different moral rules govern it.

For example, most obviously some kinds of killing can be permissible in war but would not be in other contexts.

There are lots of different moral considerations that apply in war, for example: Who can be harmed? In what ways can they be harmed? To what extent can they be harmed? And other considerations such as: What are legitimate reasons for going to war? Traditional just war theory recognises that there are different kinds of considerations generally, and these are grouped into two (sometimes three categories) – *jus in bello* (essentially what is permissible during and in a war), *jus ad bellum* (under what conditions is it permissible to go to war), and *jus post bellum* (what is permissible after war) (Fabre, 2008, p.963).

Leaving *jus post bellum* considerations to the side, I argue that, for those directly involved in conflict, we can generally separate these types of considerations into three different groups – human suffering and death, *jus in bello* considerations, and *jus ad bellum* considerations.¹²³ And these types of moral considerations seem to have different levels of importance, nuance and perhaps stringency, with human suffering and death generally being the easiest to recognise, and *jus ad bellum* considerations being the most difficult to recognise as a combatant on the ground.

I therefore propose this hierarchy of moral reasons for agents directly involved in war – most typically soldiers on the ground. Whether this hierarchy could also apply to

¹²³ *Jus post bellum* considerations are not considered in this chapter simply because they are not the concern of combatants whilst in combat.

noncombatants or political leaders is beyond the scope of this thesis. In the next three subsections I will outline what moral reasons these three conditions include.

6.3.1 *Human Suffering and Death*

Beginning with the moral reasons based on human suffering and death, I argue that this is the most basic consideration that combatants must be able to take into account. This is a fairly intuitive claim – we want individuals who are involved in fighting to recognise that fighting causes harm to others. We would also expect this of any agent in any potentially dangerous situation. Harm to others is a moral reason we would want everyone to be able to recognise, not just those who take part in war.

6.3.2 *Jus in bello*

Moving on to the next level of consideration, *jus in bello* considerations are constraints on how war should be fought. There are three central principles to *jus in bello*.¹²⁴ The first is discrimination which essentially determines who is a legitimate target of attack (Frowe, 2018, p.47, McMahan, 2018, p.423). Those fighting in a war must consider whether those they will

¹²⁴ There is a lively debate concerning what these principles actually encompass. For debates on discrimination see Bica (1998), and Finlay (2019). For debates on proportionality see de Wijze, et al. (2022), Gilbert (2005), McMahan (2018), and Trumbull (2023). And finally for discussions of necessity see Hayashi (2020), and Kristiotis (2020). For the interest of simplicity, I have aimed to define each principle (discrimination, proportionality, and necessity) in the broadest terms. The content of the definitions of each of these principles that you subscribe to should have no implications on the arguments I am defending in this chapter.

potentially attack are combatants or noncombatants. The second principle is proportionality which determines to what extent can targets be harmed in pursuit of the military aims (i.e., is the level of attack excessive?) (Frowe, 2018, p.47, McMahan, 2018, p.423). Combatants must consider whether the way they are going to attack enemy combatants is proportional to the level of threat these combatants pose to them. The third principle is necessity which determines whether the attack is needed to achieve the aims of the attack, or if a less harmful means could be used (McMahan, 2018, pp.435-437).

It seems reasonable for us to expect combatants to recognise these moral reasons. We want soldiers to know who they can attack and how they can attack. And again, these principles also often apply to agents outside of war contexts – in self-defence cases we want individuals to consider whether it is permissible for them to retaliate against their attacker, and in what ways they should do this.

6.3.3 *Jus ad bellum*

Finally, let's turn to how individuals may consider *jus ad bellum* reasons. In just war theory these are the principles which govern justified resort to war (Fabre, 2008, p.963).¹²⁵ Specifically for combatants, this would cover whether the side they are fighting on is the just side.¹²⁶

¹²⁵ This section only provides a sketch of the relevant *jus ad bellum* considerations. For more in-depth analysis of what the *jus ad bellum* principles involve see Kewley (2014), and Buchanan (2018).

¹²⁶ There are some debates surrounding whether there is a relevant separation between *just in bello* and *jus ad bellum* considerations that makes a relevant difference for combatants on the ground. For discussions of whether this distinction is plausible see Peperkamp (2020), and Yip (2020). For a defence of the distinction see Mertus (2006), and Sloane (2009).

Suggesting that this is a moral reason combatants should consider is not a novel idea and there is ongoing debate within just war literature over whether considering these moral reasons can be morally required of combatants (McMahan, 2006, Fabre, 2009, Walzer, 2015). This debate generally has two camps: the orthodox view and the revisionist view. The orthodox view is typified by Walzer's (2015) principle of moral equality of combatants.¹²⁷ Walzer (2015) argues that combatants cannot be required to understand *jus ad bellum* principles and that so long as they follow *jus in bello* principles then all combatants have an equal right to fight.

Conversely, the revisionist view typified by McMahan (2006) and Fabre (2009) argues that there are some *jus ad bellum* principles that combatants are required to consider. For example, if a combatant lacks a reason to believe they are fighting on the just side, they should not fight according to this view. This principle is generally derived from the discussions of self-defence and whether it is permissible to kill a nonresponsible threat.

A revisionist typically argues that, if you were wrongly attacked (i.e., you have done nothing to deserve the attack) and the only way to protect yourself was to kill your attacker, then killing the attacker would be permissible. However, if you had provoked the attack (maybe you attacked them first), and the attacker had not deserved to be attacked, then killing the attacker would not be permissible. Proponents of the revisionist view therefore take these intuitions and apply them to the war context. Combatants who are just in attacking are therefore

¹²⁷ Other proponents of the orthodox view include Steinhoff (2012) and Finkelstein (2016), however, due to the view being most notably associated with Walzer (2015), I only focus on his view here.

permitted to attack, and those who are not on the just side are not permitted to attack as this would be analogous to us attacking a nonresponsible threat.

Combatants are therefore responsible not only for their conduct in war, but also their choice for fighting in the war. Of course, the combatants may have a *pro tanto* (to an extent) duty to obey the order from their commanders to fight if they have reason to believe they are fighting for a just cause. Revisionists also go a little further than this and claim that if a combatant has no reasons either way then they also have a duty not to fight.

A hotly debated topic within the literature is whether recognising *jus ad bellum* moral reasons is a requirement for combatants to be just.¹²⁸ My argument does not bear on this debate. Instead, what this chapter is concerned with is whether recognising *jus ad bellum* moral reasons is a requirement for the moral responsibility of combatants.

So, to recap *jus ad bellum* considerations are essentially considerations about the broader reasons to go to war. For individual combatants involved in war, these are moral considerations along the lines of whether they are fighting on the just side, and for what reasons. To contextualise this thought, a soldier, who may potentially be fighting for a humanitarian cause, may reason something like ‘the aggressor country has attacked the victim country unprovoked and so the side I am fighting on is just because we are protecting the human rights of the victim country’s civilians’.

¹²⁸ See Bomann-Larsen (2004), Kamm (2012), Lazar (2017), and McMahan (2009).

6.4 What Reasons Must Combatants Consider?

So far, I have outlined three levels of moral reasons (human suffering and death (§6.3.1), *jus in bello* (§6.3.2), and *jus ad bellum* (§6.3.3)). But to what level must combatants be able to consider these reasons in war to be morally responsible? If we start at the highest level of the hierarchy - *jus ad bellum* - there are two ways we can interpret the claim that combatants should be able to recognise these reasons. The stronger claim is that combatants must recognise and act upon these reasons to be morally responsible, and the weaker claim is combatants must only recognise these reasons to be morally responsible.¹²⁹

Beginning with the stronger claim, this view, whilst it may be plausible in ideal theory, is untenable because of the way combatants fight. Renzo (2019, p.3) argues that combatants fight as a member of a political body rather than as individuals. Because of this the actions of combatants aren't analogous to self-defence cases like the revisionists claim for two reasons. The first is the idea that, by fighting as a group, agency is collective rather than individual in the sense that everyone in the group is working towards the same goal. If an individual were to not work towards that goal (in this case if they were to choose to not fight), then the combatant in question would not be acting as part of that group.

¹²⁹ A related worry that spans both the weaker and stronger claims is how many of these reasons must combatants recognise. Put simply, if moral responsibility comes in degrees, then how does the number of reasons a combatant recognises relate to their degree of responsibility? I believe this seems to be a straightforward correlation between the number of moral reasons a combatant considers, and the amount we would hold them responsible. As will become clear throughout this section however is that the threshold for being considered morally responsible is more important in determining moral ignorance as an excuse, rather than the degrees determining moral responsibility.

The second reason Renzo (2019, p.3) raises is that combatants are under a *pro tanto* duty to fight – they are part of this army/militia/guerrilla group. There is therefore a conflict of duties (to fight because of their *pro tanto* duty, or not to fight because of *jus ad bellum* considerations) that does not exist in self-defence cases. To suggest that an individual must act against their collective and resist their duty to fight to be a morally responsible agent seems very demanding. Whilst it may be morally praiseworthy to conscientiously object and not participate in an unjust war, under a traditionalist view this would be supererogatory and not something that would be required, unlike a revisionist account.¹³⁰ I believe this could not be required of an adult combatant to be morally responsible, let alone a child.

We do have the option of the weaker view to overcome this problem for a traditionalist account, that individuals must just recognise these *jus ad bellum* reasons. This would require combatants to recognise that the war they are fighting is either just or unjust, or at least the moral reasons for and against fighting. For example, a combatant fighting on a side who is intervening for humanitarian purposes could recognise that whilst the war is just because they are fighting for the human rights of civilians, it is unjust in that their politicians are pushing for the intervention as they can gain control of oil fields. This seems to fit better with the notion defended in both the previous chapter and this chapter that agents need only be able to recognise, and have access to, the morally salient reasons to be morally responsible.

¹³⁰ As argued in §5.2, an agent does not need to always act on the moral reasons to be morally responsible. Rather they must have the capacity to do this in order to be morally competent, and they must also have access to the morally salient reasons to not be morally ignorant.

But even recognising these *jus ad bellum* reasons is too much to expect for moral responsibility. Recognising *jus ad bellum* reasons may be required to be morally justified in fighting, as a revisionist just war theorist would argue, but to be a morally responsible agent this requirement seems too high of a bar. Recognising *jus ad bellum* considerations cannot be required simply because combatants are part of a political community, and it is therefore difficult for citizens such as combatants to recognise these higher-level reasons, even more so if there is heavy propaganda for example.¹³¹ If we also factor in the complexities of war, this makes identifying reasons for or against a war as a combatant involved near-on impossible. In fact, even with complex historical wars many just war theorists cannot agree on whether the wars are just or unjust (McMahan, 2009, p.120, Deakin, 2019, pp.112-114). It is for these reasons that I argue that it is not necessary for combatants to be able to consider *jus ad bellum* reasons to be considered not morally ignorant.

If the *jus ad bellum* considerations are too high a bar, this leaves us with two other levels of moral reasons – (1) human suffering and death, and (2) *jus in bello* considerations. Human suffering and death as a level of moral reasoning encompasses considerations that I believe we would want everyone to be concerned with. For example, it seems intuitive that we would want individuals to be able to recognise the effects of their actions and the harm they may cause in order for these agents to be morally responsible. And this is also often why psychopaths are typically argued to be not morally responsible since they cannot recognise these interpersonal

¹³¹ It may be plausible to understand propaganda as a form of manipulation of both civilians and combatants. For an examination of the effect of manipulation on moral responsibility see §7.5.

reasons as moral reasons.¹³² But is this sufficient for moral responsibility? It is not. We can reasonably expect beings which lack agency to also act on these concerns – for example dogs are able to recognise when a member of their pack is injured. We would not want to assign moral responsibility to dogs on the basis of this alone.¹³³

This leaves us with the *jus in bello* considerations as the middle ground between (1) human suffering and death, and (3) *jus ad bellum*. As I have outlined in §6.3.2, *jus in bello* considerations correspond to an important class of moral reasons: we want combatants to only act in ways which are an appropriate amount of force and to only attack those who are liable to attack.¹³⁴ I argue that this level of recognition of moral reasons is the minimum threshold needed for a combatant to be morally responsible. To argue for this, we need to keep in mind that war as a context of moral decision-making is messy. Nevertheless, it seems that individuals must, at a minimum, be able to understand the context in which they are making decisions to be

¹³² On the moral responsibility of psychopaths see Glannon (2008), Levy (2007), and Shoemaker (2011a;2011b). See also the previous discussion in §5.2.1 on how psychopaths do not have the capacity to recognise moral reasons in the first place.

¹³³ One might respond to the example of the dog and say that we do not assign dogs moral responsibility, not because of a lack of some higher moral knowledge, but because they lack either psychological complexity or moral competency in the first place (for psychological complexity and moral competency see Chapters 4 and 5 respectively). Here I agree, to an extent. However, what this example aims to show is that even those who lack the capacities needed to be a morally responsible agent can understand these moral reasons, and so such low-level moral reasons being a threshold for moral responsibility does not fit with the account proposed in this thesis.

¹³⁴ The notion that only those who are liable to attack should be attacked obviously also includes some factual knowledge on the part of the attacking combatants in that they need intelligence about who is a combatant. Whilst this is an important aspect of being able to hold an agent responsible (we would not want to hold them responsible for a wrong attack if, through no fault of their own, they believed their target was a legitimate one), this is not the concern of this chapter. Instead, this chapter focuses on the moral reasons agents must recognise. In the case of liability to attack then, the moral reasons would be along the lines of ‘I cannot attack bystanders or noncombatants’. For a related discussion about liability to defensive harm in relation to child soldiers see Chapter 8.

morally responsible and so in this case combatants must be able to understand the interpersonal actions and relations between themselves and the enemy.

If combatants were not able to consider who they can attack and in what ways because of the context they are in, they would potentially kill innocents and noncombatants, or use excessive force. And I argue that in this case the combatants would not be morally responsible because they are missing an important aspect of moral understanding, and they are not responsible for this lack of understanding. They are therefore non-culpably morally ignorant.

For example, we can imagine a soldier who cannot recognise, through no fault of their own, that there is a moral difference between shooting an enemy in the foot and shooting them at point blank.¹³⁵ When this soldier is faced with an enemy then, the soldier shoots with abandon since the soldier is unable to recognise any moral difference between these kinds of force. If we put any intuitions about whether such a soldier should be on the battlefield in the first place aside, we would believe that this soldier should not be blamed if they are to shoot at point blank since they do not possess the relevant moral knowledge around proportionality and are therefore not morally responsible.

In conclusion, I am arguing that the second level of consideration – *jus in bello* considerations – are generally the level of consideration that combatants must be able to recognise to meet the moral knowledge requirement. All other things being equal, a combatant must be able to recognise human suffering and death, and the principles of proportionality and discrimination. If they do not meet these requirements, we would say that they are morally

¹³⁵ Perhaps they have never been taught the moral difference or various injuries.

ignorant. The task then would be to decide whether this moral ignorance came about through their own actions or through no fault of their own. This would then be able to determine whether the agent was culpably morally ignorant (and therefore not excused from moral responsibility), or non-culpably morally ignorant and therefore excused, at least to an extent. Any considerations above human suffering and death and *jus in bello*, whilst they may be morally required (which is an argument for revisionists to make), are not necessary for moral responsibility.

6.5 What Reasons Can Child Soldiers Consider?

Having established the threshold of moral knowledge to not be seen as morally ignorant in combat, the final task of this chapter is to determine whether child soldiers meet this threshold. To understand whether child soldiers meet the conditions I have just proposed, testimony can help us understand how child soldiers came to make the decisions they did. The testimonies I have chosen to include in this chapter are typical responses from child soldiers when asked about their time as a combatant. If it was determined that a child soldier could not recognise these moral considerations in war, the task would turn to determining why this is the case in order to assess whether they were culpable for this moral ignorance. However, in the following sections I will argue that child soldiers are in general able to recognise these reasons, and often

do. As such, child soldiers generally have the capacity to not be morally ignorant, even if this capacity is not exercised faultlessly.¹³⁶

6.5.1 *Human Suffering and Death*

Beginning with the first set of considerations – human suffering and death – one boy child soldier suggests that he recognises his enemy as human, and also what it means to be shot with arrows or stabbed. He says:

The first time I was also scared and thought that it was inhumane. But I wanted to be able to continue. Better that way than to be killed. ...When I face an enemy and have to kill him, because I know that he is human just like me. But if I don't kill, I'll be killed. ... I faced the enemy only four times. At that time, I shot immediately arrows or stabbed, according to my principle: I have to kill first rather than be killed.

[Indonesia – joined when he was 16, now 17]

(UNICEF, 2003a, p.54)

¹³⁶ It is important to note that there is a distinction between having the capacity for such knowledge, and actually having this knowledge. For the account of moral responsibility defended in this thesis the capacity to recognise moral reasons is required for moral competency. As will become clear throughout this chapter, child soldiers often do recognise the relevant reasons and therefore this is good evidence that child soldiers have the capacity.

The child soldier seems to recognise the effects of his actions; he recognises that his enemies are human, and he also recognises that killing outside of war is wrong. And this is a typical kind of testimony from child soldiers – they often recognise that their actions may not be right outside of war but that they have no choice if they want to survive. It is important to recognise, however, that some testimonies may suggest that their adult commanders try to convince them that their enemies are not human or that their suffering does not matter.¹³⁷ Nevertheless, the testimony here shows that the child in question meets the first condition of recognising human suffering and death as weighty moral reasons. In contrast, we can imagine that there could also be children who do not recognise the enemy as human, their suffering as valid, or that their actions could cause suffering. In such cases, these children are morally ignorant because they do not recognise the gravity of their actions. Nonetheless, these child soldiers may have the capacity to recognise these reasons, as outlined in §5.3, but simply fail to do so.

6.5.2 *Jus in bello*

Moving on to the second set of considerations – *jus in bello*. The two testimonies below suggest that the child soldiers were taught some of the laws of war while in training.

¹³⁷ This will be touched upon in §7.5 on manipulation.

Yes, I have heard of the Geneva Convention. We take care of our enemies the way we take care of ourselves to make them feel that the MILF is humanitarian.

[Philippines – joined when he was 16, now 19]

(UNICEF, 2003a, p.39)

The good things that I learned from Falintil were discipline, administration and also politics. I learned about human rights from documents that we received from the church and also from the leaders because they talked a lot about human rights.

[East Timor – joined when he was 12, now 28]

(UNICEF, 2003a, p.39)

In the first testimony, he recalls being aware of how the enemy should be treated, in particular in relation to the Geneva conventions, and in the second he recalls understanding the importance of human rights. These testimonies thus suggest that these children had at least a minimal understanding of the *jus in bello* considerations such as discrimination and proportionality.

However, these considerations do not need to be so formal. For example, in the following testimony, from a child in Northern Uganda, the child does not mention any formal training of the rules of war. Nevertheless, the child seems to have an understanding of the fact that killing the man violated a moral norm:

One night we went to a trading centre. We went into one of the shops that had the highest number of commodities. After we had looted everything, the commanders told us to start moving back into the bush again. I had talked to the shopkeeper during the day to ask him to reduce the prices of the clothes he was selling and he had just thrown insults at us. Since I had a gun, I shot him in the head at close range. He died instantly. It was my own choice to kill him. Till this day, the cen of this man comes at night to disturb me. Sometimes he comes with a gun to shoot me as well. Sometimes also, we came to capture some people, but after some distance the commanders would not decide on what to do with them. So they would leave the decision to any of the younger soldiers. Often times, we enjoyed killing them ourselves. After some time in bush, you can do certain things without fear.

(Akello et al., 2006, p.236)

The researchers who interviewed this child add: “In instances where the former child soldiers had decided to commit horrendous acts themselves, it was clear to them and to others, what they had done”, and these children often talked about how the cen of the people they killed would come to haunt them (Akello et al., 2006, pp.236-237). This suggests at least some understanding of the moral norms that govern war. In this particular case, the testimony suggests that the child understood that the violent killing was not proportional to being insulted, and perhaps that as a civilian this man was not liable to be killed.

Testimonies such as these suggest that children can recognise legal and moral norms. The heavy emphasis on human rights and humanitarian treatment is pretty typical of testimony from child soldiers, particularly those who had some kind of training. Moreover, even when

these moral and legal norms are not formalised, children often express remorse when their actions were not proportionate to the threat, or when they killed civilians. I believe that testimonies such as these suggest that child soldiers are often able to recognise *jus in bello* considerations even if they do not understand these considerations under such formal labels. Coupled with the discussion in the previous chapter on the moral development of children and adolescents, it seems that child soldiers do generally have access to these moral considerations.

One could object to the claims I have made about these child soldiers understanding proportionality on the grounds that children are notoriously bad at reacting proportionately to adverse circumstances. A situation such as the one described above then is simply an extreme case of this. This is of particular importance in adolescence as I have outlined in chapters 4 and 5, with research showing through fMRI scans that adolescence is a distinct developmental stage where some regions of the brain develop at different rates to others (Casey et al., 2008, Blakemore and Robbins, 2012). The upshot of this, is that it seems “that adolescents are more likely than children and adults to make risky decisions in ‘hot’ contexts, where emotions are at stake or peers are present and social cognition is involved” (Blakemore and Robbins, 2012, p.1189).

Even if neuroimaging points towards the nonlinear development of impulse control in adolescents, this is not a reason to believe that child soldiers cannot recognise moral reasons. There is a distinction between recognising reasons and acting upon them. An adolescent’s ability to control their impulses (which was the focus of chapter 4) is a different question to whether they recognise that their impulsive action was right or wrong. Instead, what this chapter aims to isolate is whether agents, specifically child soldiers, are morally ignorant. It is a separate

question whether or not they choose (or can choose) to act on the moral reasons they recognise.¹³⁸

6.5.3 *Jus ad bellum*

This leaves us with one final level of moral consideration – *jus ad bellum*. As I argued in §6.4, these reasons are not required for a child soldier to be considered not morally ignorant, however, it is interesting to discuss whether child soldiers are able to recognise them, nonetheless. In the testimony below it does seem that the child has some understanding of reasons to go to war, in this case, self-defence with statements such as “How can you stand back?” and “I want to defend my island and my people”:

Realistically, if the enemy is approaching and destroying your community, how can you stand back? ... Sometimes people were exploiting us... I want to save my island and my people.... I have five brothers. Four joined the fighting, three joined before me. I want to defend my island and my people. My parents supported me. They know it's the right thing. If people don't join, there wouldn't be anyone to guard the families. My parents know our island is our life. ... The reason for going with the BRA was for a common goal.

[Papua New Guinea – joined when he was 17, now 25]

¹³⁸ This question involves both the agent's psychological complexity and moral competency which are discussed in chapters 4 and 5.

(UNICEF, 2003a, p.26)

So, does this testimony suggest that child soldiers can understand *jus ad bellum* considerations on at least some level? Whilst this particular testimony suggests some understanding, I have already argued that this level of understanding cannot be required of adult combatants since it is often a messy undertaking to understand these moral reasons. It would essentially require any combatants, adults, or children alike, to understand the political atmosphere in which they are fighting otherwise they would be morally ignorant. It is also important to note the age of this child soldier - he was 17 when he made the decision to join the BRA – as this may explain why he is able to consider higher-level considerations.

If we take seriously the possibility that combatants may be required to recognise *jus ad bellum* reasons there are two readings of this requirement; a weaker reading suggesting that combatants must recognise that there are two (or more) sides in the conflict and one is the one they are fighting on, and a stronger reading which suggests that combatants must be able to understand which side of the conflict is just. Taking the stronger reading, it seems almost impossible for combatants to be able to recognise *jus ad bellum* reasons. In particular, younger combatants may not understand the wider contexts of the political or ideological reasons for fighting on either side. Furthermore, recognising *jus ad bellum* considerations would be especially demanding on those who are coerced or indoctrinated.¹³⁹ It is perhaps even possible

¹³⁹ For coercion and manipulation as excusing conditions of moral responsibility see Chapter 7, specifically §7.3 and §7.5 respectively.

that the child soldier in the previous testimony had been misguided in believing he was fighting in self-defence.

The weaker reading is perhaps more plausible. If all that is needed is that a combatant can recognise that there are different sides fighting against each other this seems to be a much less demanding requirement. However, whilst the ability to recognise different sides within a conflict may be important for the responsibility of combatants like child soldiers, it is only in the same way that being given reliable battlefield intelligence would be. In this sense, the weaker reading is analogous to **Kitten** as an instance of factual ignorance – combatants cannot be held responsible if they do not know the relevant facts of the situation through no fault of their own. It is the stronger reading then that has a bearing on moral responsibility in the sense this chapter addresses – and as I have argued, this is much too demanding to be a requirement for adult combatants let alone children.

6.6 Conclusion

The chapter has sought to understand what moral reasons child soldiers must recognise to not be considered morally ignorant. I have first argued there are particular moral reasons which relate to the context of war. Combatants on the ground must be able to recognise some of these reasons to not be considered morally ignorant. If they do not, in order to determine their moral responsibility, it must be determined whether they are culpable for this ignorance (they have purposefully ignored morally salient reasons) or whether this ignorance is non-culpable and therefore excused their moral responsibility to an extent. There are three levels of moral considerations that apply in the war context: (1) human suffering and death, (2) jus in bello and

(3) jus ad bellum. I have argued that for a combatant to be seen as recognising moral reasons in war they must be able to recognise reasons which fall into levels 1 and 2. Since child soldiers can often recognise these reasons, non-culpable moral ignorance is not an excusing condition that can apply automatically to them. Their testimonies have provided evidence of this. I have argued that we cannot assume, as often the narrative around child soldiers does, that they are unable to recognise moral reasons and are therefore excused from their moral responsibility because they are morally ignorant.

7. Force, Coercion, Duress, and Manipulation

7.1 Introduction

Previous chapters have outlined the capacities agents must have, and more specifically child soldiers must have, to be morally responsible. In what follows, I will outline some of the ways in which agents can be excused (or at least in part excused) of their moral responsibility despite possessing the sufficient capacities of psychological complexity and moral competency. There are at least five main kinds of potential excusing conditions: force, coercion, duress, manipulation, and ignorance.¹⁴⁰ These excusing conditions all work much in the same way to excuse moral responsibility – they do so by showing that the person in question in the situation she was in either (i) could not *reasonably have done otherwise* (because for example, there are no acceptable alternative actions) or (ii) the action does not reflect the agent’s will. Individuals are therefore excused of the responsibility for the wrongness of the action in this specific situation as it would not be appropriate to blame them for the action, even if they are morally responsible in other cases.

It would seem intuitive to believe that this is the end of the matter – for example, if someone is compelled to act in a certain way, then they are not morally responsible for that behaviour and therefore cannot be praised or blamed. However, this is not the full picture. We do praise and blame individuals sometimes *even if* they were compelled to act in the way they did. For example, someone who is compelled to act in a certain way may be praised for avoiding a worse outcome, and similarly those who we deem to have chosen wrong between two bad actions are

¹⁴⁰ See the previous chapter for a discussion of ignorance as an excusing condition.

not immune from blame (Meyer, 2011, p.94).¹⁴¹ Moreover, the specific ways in which individuals are compelled to act in certain ways matters for the extent to which moral responsibility is excused. This is why the picture is more complicated than we might think.

Excusing conditions, particularly those of force and ignorance, can be traced back to Aristotle's (NE III.1–5) conception of moral responsibility. Aristotle (NE 1110a-b4) argues for two necessary conditions of voluntary action – (1) the agent must be aware of the action they are performing, and (2) the agent must not have been externally compelled. These conditions, I believe, mirror the conception of excuses for moral responsibility I am outlining in this thesis. (1) has perhaps developed into the notions of moral competency and psychological complexity, and (2) will be further developed in this chapter through the discussion of the external excusing conditions.¹⁴²

This chapter will focus on each of the remaining excusing conditions in turn. I will begin in §7.2 with a discussion of the use of force against a person. I will argue for the uncontroversial point that someone who has been forced is not morally responsible for the forced action. However, this does not excuse actions which may follow, since the excuse of force does not apply to them. In §7.3 I will build upon this notion in a discussion of coerced actions – that is, threats towards an agent which change the reasonableness of the actions available to them. I will argue that the circumstances an agent is in do not change the coerced action's wrongness, nor the moral responsibility of the agent, but rather who can blame them for their action. I will

¹⁴¹ For a previous discussion of the functions of blame see §3.2.4.

¹⁴² For psychological complexity and what it entails see Chapter 4, and for moral competency see Chapter 5.

also argue that the actions of child soldiers rarely act under the restricted notion of coercion I present. Instead, it is more likely that child soldiers' actions are performed under duress.

In §7.4 I will outline two distinct definitions of duress. I will argue, using a case study of British soldiers and the recruitment techniques of British child soldiers, that duress only excuses moral responsibility for an action if the severity of the consequences of not acting in this way (for example, enlisting) can be shown to mean the agent did not have any other appropriate options. Finally, in §7.5 I will outline just how manipulation and 'brainwashing' can excuse moral responsibility. I will argue that manipulation which causes an agent to acquire certain beliefs only excuses an agent of their moral responsibility *for those beliefs*. Individuals are still morally responsible for the actions they perform even if they are not morally responsible for acquiring the belief in the first place. Moreover, I will argue that the forced use of drugs and alcohol in child soldiers may excuse their moral responsibility, if they would not have acted in the way they did, had they not been given the drugs or alcohol.

7.2 Force

As alluded to in the introduction, I want to first draw a distinction between forced actions and coerced actions. Forced actions, as I define them, are only those in which someone is involuntarily made to perform an action using *physical* force. For example, a forced action would be one in which the person's body is used as a tool to carry out an action the perpetrator endorses. This is in contrast to coerced actions, which I will discuss in §6.3, in which the reasonableness of options available to that person is changed. Nozick (1969) likewise excludes force from his definition of coercion, even if others have included force cases under the broader

category of coercive actions.¹⁴³ I believe this distinction between forced and coerced actions is important because of the difference in the participation of the coerced and forced agents' will in the relevant actions. In force cases, the forced agent's will seemingly has no bearing on the action – it is the perpetrator's will that causes the action.¹⁴⁴ In coercion cases, however, the coerced agent has some semblance of a choice (even if the choice is no longer between appropriately reasonable options).

Leaving coercion to the side for now, what does it mean then to say an action has been forced to do an action? An action is forced when the agent's body is physically forced to perform the action. Consider the case below:

Push: Keegan grabs Loz's arms and makes Loz push Mackenzie.

In cases such as **Push**, it is clear the forced person is not morally responsible for the action: Loz is not morally responsible for pushing Mackenzie. Frankfurt (1988, p.27) states that “the victim's body is used as an instrument, whose movements are made subject to another person's will”. The action clearly does not reflect the agent's will – Loz does not want to push Mackenzie – and she could not have done anything else – there is no alternative for Loz because her body is being forced to make certain movements.¹⁴⁵ Essentially, as I have outlined in

¹⁴³ See Bayles (1974), and Lamond (1996; 2000).

¹⁴⁴ This view will be expanded upon in the subsequent discussions.

¹⁴⁵ Research in the area of theory of action typically argues that an action has to be caused by a relevant desire and means-end belief (see Smith, 1987; Davidson, 2001).

Chapter 3, Loz is not morally responsible for the action of pushing Mackenzie because Loz has been externally compelled – Loz has an excuse for the action.

How does this apply to child soldiers? In situations where child soldiers are forced, if they could not have reasonably done otherwise in a given situation, they are not morally responsible for the action that they are made to do. Consider the testimony from a child in Myanmar:

I was arrested on the way back home from school. I was 14. The Sergeant asked me, "Will you go with me?" I said no. But he took me. He took me to the recruitment center and just left me.

[Myanmar – joined when he was 14, now 15]

(UNICEF, 2003a, p.25)

This testimony shows the child soldier was not morally responsible for being at the recruitment centre – he was physically taken there by the Sergeant. Essentially for force cases there does not seem to be *any choice* the individual can make – their body is simply controlled by the will of another person. This is therefore a relatively simple case for moral responsibility since it does not seem to be appropriate to blame someone who had no say in how they were acting. Indeed, I would even argue that the individual has not even *acted* in the relevant sense, but rather that at that moment, their body was an object or tool for another person.

However, whilst the physical force excuses the child soldier's being at the recruitment centre in the above testimony, I argue that it alone does not excuse any of the actions performed *after this fact*. For example, if the child were to participate in training after being taken to the

recruitment centre, and *if he were given a choice not to*, then this behaviour would not be excused just because the child was forced to go to the recruitment centre. Consider **Push** for example. Even if Loz is not morally responsible for pushing Mackenzie, she would, however, be morally responsible for not checking Mackenzie was okay after the fact (provided that Keegan did not force or threaten Loz to not check in with Mackenzie). It would therefore be appropriate for Mackenzie to blame Loz for not checking she was not hurt after Loz pushed her. Importantly then, it is only the initial action which is excused – actions which follow which do have reasonable alternative choices are not excused by the force, and the agent can be blamed for their actions afterwards. I do not believe this is a controversial claim – in force cases the individual's body is merely used as an instrument for another's will. This is in contrast with cases of coercion which will be discussed in the next section.

7.3 Coercion

As argued above, there is a difference between cases of force and cases of coercion. In **Push** Loz is not morally responsible for the action of pushing Mackenzie because Loz has been externally compelled – Loz has an excuse for the action. But is this also the case in coercion cases such as **Push***?

Push*: Keegan threatens Loz that if Loz does not push Mackenzie, Keegan will kill Loz.

As Frankfurt (1988, p.27) notes, in cases such as this the individual's body is not being strongarmed, but rather their will is: "it is the victim's will which is subjected to the will of another". In *threat* of force cases such as **Push***, reasonable alternatives have been taken away

from the coerced individual. Before Keegan's threat, Loz could have been expected to not push Mackenzie (we would see Loz as morally responsible and blame Loz if she was to push Mackenzie). However, in issuing a threat of substantive force, Keegan has *taken away* Loz's reasonable alternatives.¹⁴⁶ Loz is thus left with options which, under normal circumstances would not be reasonable (push Mackenzie or be killed), but given the threat, one of these options (to push Mackenzie) becomes the only reasonable choice.

Aristotle's writing on coercion at first seems to echo a similar sentiment:

Captain's Cargo: A somewhat similar case is when cargo is jettisoned in a storm; apart from circumstances, no one voluntarily throws away his property, but to save his own life and that of his shipmates any sane man would do so.¹⁴⁷

(Aristotle, NE 1110a5)

If these coerced individuals, both Loz and the Captain, do not have a reasonable alternative action because they have been coerced what does this mean for their moral

¹⁴⁶ The concept of reasonable alternatives is prominent within the literature on consent. For example, in Dougherty's (2020, pp.120-121) discussion of different conditions one might posit in an account of consent, there is an underlying assumption that reasonable alternatives are available and can be communicated to the agent whose consent is needed. For other discussions of the importance of reasonable alternatives in the consent literature see Anitha and Gill (2017), Beauchamp and Childress (2019), and Faden and Beauchamp (1986).

¹⁴⁷ Whether natural occurrences such as storms can be perceived as coercion in the way I understand them is somewhat of a sticking point. Whilst the captain has been left with no reasonable alternative (their options are to throw away their possessions or for the captain and their shipmates to drown), the captain has not been subjected to another agent's will. I would instead suggest that situations in which the agent has not been coerced by another agent but instead by circumstance fall under cases of duress (discussed in §7.4). For the purposes of this discussion however I believe Aristotle's writing is illuminating in some important ways despite including cases in which an agent has been 'coerced' by nature.

responsibility? It seems we would not want to blame Loz or the captain for their actions at the very least. I believe there are three options available: (1) they are not morally responsible, (2) they are morally responsible but the actions they perform are not wrong, or (3) they are morally responsible, the actions they perform are wrong, but they cannot be blamed for some reason. It is the third option I believe is most attractive. I will take each of these options in turn to explain why they do not capture what goes on in coercion cases.

The first option, that we are not responsible for coerced actions, initially seems to be an attractive view. After all, agents are not morally responsible for actions that are forced, and coercion is a kind of forcing of a will. However, it seems that the coerced agent contributes more than their physical body (as in force cases); in some sense they also contribute part of their will. Coerced agents have at least two courses of action – give in to the coercion or face some worse outcome. Whilst this does not seem to be a reasonable choice (as outlined above the agent does not have a reasonable alternative to submitting to the coercion), there is a choice to be made, albeit a limited one. This choice also reflects the agent’s core values and concerns. In **Push***, it is reasonable for us to assume that one of Loz’s core values and concerns is to stay alive.¹⁴⁸

Following Aristotle’s (NE1110a5) discussion of the **Captain’s Cargo** case, whilst no reasonable agent would *choose* to let themselves and their shipmates die, the captain nonetheless *chooses* to avoid this by throwing the cargo overboard. Aristotle (NE 1110a6-15)

¹⁴⁸ The fact that the coerced action reflects the agents core values and concerns seems to be an important feature of coercion cases. The threat would not be successful or compelling if it did not threaten something important to you. For example, a threat that someone will break the ugly vase your mother-in-law bought you if you do not do as they say may not be a successful threat if you do not care for the vase in the first place.

goes on to argue that coerced actions are a type of “mixed” action – they are both voluntary and involuntary. Put in the terms used in this thesis, the Captain’s real self is behind the choice, even though there is no substantive choice to be made.

For at the actual time when they are done they are chosen or willed [...] Such acts therefore are voluntary, though perhaps involuntary apart from circumstances—for no one would choose to do any such action in and for itself.

(Aristotle, NE 1110a6-7)

Importantly for this thesis, it seems that Aristotle endorses a similar distinction between forced and coerced actions. In describing “compulsory” actions, Aristotle (NE 1110a10) notes that they are any action where the cause “lies in things outside the agent, and when the agent contributes nothing”. Like in **Push**, where Loz’s will has not made a contribution to the push – her arms are used by Keegan as a tool for Keegan’s will. This is contrast with coerced actions since the agent deliberately chooses an action over the alternative (Aristotle, NE 1110a10-11). In **Push*** Loz *chooses* to push Mackenzie over the alternative of Loz being killed by Keegan.¹⁴⁹ Coerced actions therefore do not deem the agent not morally responsible for the action – the

¹⁴⁹ ‘Chooses’ here simply refers to the fact that there were two courses of action. Whether or not the alternative action (being killed) is a choice in the sense that it is something an agent would choose had there been a reasonable alternative will be discussed below.

agent in part wanted to perform the action, and the action reflects their will in a limited sense (their real self at the very least desires to avoid the alternative option).¹⁵⁰

This constraint on choice may reduce the moral responsibility of agents *to an extent* given that they would not have chosen to act in this way, had they not had their choices limited. But how do we calculate the extent to which their moral responsibility is diminished? Because moral responsibility is scalar, Friedman (2014, p.239) argues that the extent to which coercion excuses the moral responsibility of a perpetrator would depend on a comparison between the harm threatened by the coercer, and the harm inflicted by the coerced act.¹⁵¹ A “good excuse” will reduce the perpetrator’s degree of moral responsibility to a greater extent than a less compelling one, however, will never completely excuse it (Friedman, 2014, p.239). In **Push*** then, the amount that Loz’s moral responsibility has been reduced would depend on the difference in harm between her being killed by Keegan, and her pushing of Mackenzie. What is important here, however, is not that the moral responsibility of Loz may be slightly lessened by Keegan’s coercion, but that it is not fully diminished. Loz’s action of pushing Mackenzie still reflects her will.

¹⁵⁰ Aristotle (NE 111a12) I believe correctly notes that the degree to which coerced actions are voluntary can only be determined on a case-by-case basis. However, for the purposes of this discussion, it only seems important to note that there is always at least a minimal degree of choice. As this thesis defends a scalar view of moral responsibility, it is, of course, plausible under this framework to argue that agents could be more or less morally responsible for coerced actions, depending on the degree of voluntariness in the action.

¹⁵¹ Friedman’s (2014) paper focuses on abused parents who fail to protect their children from abuse from the same abuser. Friedman (2014) surveys various ways we may understand the moral responsibility of such parents (justified, exempt or excused), before concluding that because of the scalar properties of moral responsibility, excusing their moral responsibility is dependent on the level of threat from coercive action best captures what is going on in these cases.

Drumbl's (2012b, p.17) "model of circumscribed action" for child soldiers included in his ground-breaking book *Reimagining Child Soldiers in International Law and Policy* seems particularly pertinent to mention here. It is not that the oppression child soldiers often act under voids their "capacity for decision-making" (Drumbl, 2012b, p.17). Rather, circumscribed actors have "the ability to act, the ability not to act, and the ability to do otherwise than what he or she actually has done" although these capacities are "delimited, bounded, and confined". To interpret Drumbl (2012b, p.17) within the framework of this thesis then, it is not that child soldiers are not morally responsible, but rather they are like Loz in **Push***. Because moral responsibility is scalar, we can understand child soldiers who have been coerced as morally responsible to an extent, although their actions and choices are constrained in some ways.

This leaves us with the two other options in explaining coercion cases; (2) the agent is morally responsible and the actions they perform are not wrong, or (3) the agent is morally responsible, the actions they perform are wrong, but they cannot be blamed. So, firstly, is it possible for the rightness or wrongness of an action to be changed because of the presence of a coercive threat? I do not believe that it is. Here it seems that the notion of lesser-evil justifications is important. Considering the famous trolley problem for example, one reading of the problem is that it is not that the of killing one person is *right* because it will save five other people.¹⁵² Rather the killing of one person can be justified on the grounds that, of the available

¹⁵² The trolley problem is taken from Foot's (1967, p.3) famous paper, 'The Problem of Abortion and the Doctrine of the Double Effect': "...he is the driver of a runaway tram which he can only steer from one narrow track on to another; five men are working on one track and one man on the other; anyone on the track he enters is bound to be killed. [...] The question is why we should say, without hesitation, that the driver should steer for the less occupied track...?".

options (one death versus five deaths), it is the option that causes substantially less harm.¹⁵³

They are called *lesser-evil* justifications after all.

In **Push***, the lesser evil is for Loz to push Mackenzie because there is a considerable gap between the harmed cause (Mackenzie being pushed), and the good achieved (Loz not being killed). This is not simply a consequentialist argument. Loz pushing Mackenzie does not become a morally good option, even though it is justified (Rodin, 2011, p.75). Loz pushing Mackenzie is a permissible injustice. This is demonstrated by the fact that Mackenzie would be owed compensation if she were to be pushed because she would have been wronged (Rodin, 2011, p.75). We therefore cannot explain our intuition that coerced agents should not be blamed for their actions by appealing to the moral status of the coerced action because while the action may be justified, its fuller moral status has not changed.

This leaves us with the final option – that the agent is responsible for doing something wrong but cannot be blamed. Would this view be plausible under the neo-Strawsonian conception of moral responsibility this thesis rests upon under which blameworthiness is an essential aspect of moral responsibility? How? I believe recent discussions on standing to blame are of importance here. The third option therefore focuses not on the potentially blamed individual, but rather on the person doing the blaming. For **Push*** then, Loz would be morally responsible for pushing Mackenzie, however, she should not be blamed for it *by us* as bystanders. As will become clear via the discussion in the following two sections, Mackenzie

¹⁵³ Of course, this is a rather crude outline of the way lesser-evil justifications work. However, the main point here is that the evaluative status of the killing of the one person has not changed – killing one person is still wrong, it is just justified over letting five people die. For a particularly in-depth discussion of how lesser-evil justifications can function, see Gordon-Solmon (2022).

plausibly can still blame Loz for pushing her as Mackenzie would possess standing to blame as the victim of Loz's actions.

Under this third option, someone who performs an action because they have been coerced is morally responsible for the bad action since the action reflects their will. They may not be blamed by other people, however, since the blamers may not possess standing to blame. To motivate this account of 'responsible but not blamed', in what follows I will outline three main conditions that may inhibit an agent's standing to blame that are prominent in the literature. I will return to this third, and more favourable account in §7.3.2 to discuss what this means for child soldiers and who can blame them for actions which are performed under coercion specifically.¹⁵⁴

7.3.1 Conditions of Standing to Blame

Since the third account rests upon a distinction between moral responsibility and blame, this may initially seem to be a departure from the neo-Strawsonian account this thesis develops. However, this claim here is not that coerced agents are not blameworthy, but rather they cannot be blamed by other people. What conditions can impact someone's ability to blame another then? I will outline three in this section: complicity, hypocrisy, and remoteness. I do not claim

¹⁵⁴ I believe the questions this thesis asks, and hopefully answers, about moral responsibility are valuable insofar as they allow us to understand if, why, and how child soldiers are blamed for their actions. The working title for this thesis included the phrase "Can we blame them?", but I think discussions of standing to blame arguably suggest that we, as individuals detached from the situation, cannot blame them. We are too remote. I will return to this idea in §7.3.1. The reworked title of "Are they to blame?" therefore aims at the more interesting question of how moral responsibility interacts with blameworthiness which this thesis aims in part to address.

that these three conditions are exhaustive of all of the possible conditions which may disable standing to blame. However, it seems that the majority of conditions would fall under one of these three categories. I will then return to a discussion of how a coerced agent can be responsible but not blamed in §7.3.2.

Beginning with complicity – as in being relevantly involved in the bad action – it seems that a person cannot blame another if they themselves have also performed the bad action.¹⁵⁵ This is a relatively straightforward condition of standing to blame – you cannot blame others for performing an action you have performed with them.

Hypocrisy, in the sense that the blaming agent has previously performed a similar action to the one they wish to blame the other agent for, seems to constitute a similar disabling property.¹⁵⁶ But why is this the case? Some accounts of the wrongness of hypocritical blame suggest that the blaming agent loses their standing to blame because they disrespect the moral equality of persons (Wallace, 2010, Fritz and Miller, 2018). Essentially, this view states that hypocritical blame involves the blaming agent making an unjustified exception of themselves – they are not blameworthy for performing the action under their view, but others are. This may also account for the disabling function of complicity – a complicit agent who blames the other does not see them as an equal.

¹⁵⁵ For work on complicity as a disabling condition of standing to blame see Beade (2019, p.278), and Todd (2019).

¹⁵⁶ Hypocrisy is arguably the most frequently discussed condition which affects standing to blame. Some particularly interesting discussions include Cohen (2006), Fritz and Miller (2018, 2019), Lippert-Rasmussen, (2020), Piovarchy (2020), and Rossi (2020).

However, another view that is prominent in the literature suggests it is not that the blaming agent does not respect the moral equality of persons, they simply do not take seriously the norm they are blaming others for violating seriously in the first place (Lippert-Rasmussen, 2020, Rossi, 2020). This conception of hypocrisy as not taking the norm seriously also explains a similar kind of hypocrisy when an agent blames another for failing to live up to a norm they themselves do not take seriously but have also never violated. For example, we can imagine a person who does not believe spanking your own children is wrong, does not have their own children and so will never violate the norm, but nevertheless blames parents who do spank their children.

This view of hypocrisy as not taking the norm seriously also plausibly explains why complicity affects an agent's standing to blame. It does not seem plausible that we could blame another agent for an action we do not see as wrong in the first place. How could a dog owner chastise their friend for making their dog live in the garden when they themselves believe pets should not live in the house?¹⁵⁷

A further kind of hypocrisy, however, seems to be underexplored within the literature – that of creating the conditions that contributed to the agent performing the bad action. Here I mean situations such as a government creating social conditions in which the only way for people to survive is to steal food, or strict parents creating conditions within their family structure where their child feels they have no choice but to lie about their whereabouts when

¹⁵⁷ A question does arise in this discussion however about the guilty accomplice – if the accomplice feels sufficient self-blame, do they still possess the standing to blame? Similarly, if a hypocrite is sufficiently aware of their hypocrisy, can they still blame? These are not questions I can offer a novel answer to. For an interesting discussion on regaining the standing to blame see Todd (2019).

out with friends. This account of hypocrisy may also do some of the work here. If the government or parents do not take the norm seriously enough to minimise the conditions in which breaking the norm may arise, they are hypocritical to blame the norm violator because they did not take the norm seriously in the first place.

Finally, the condition of remoteness works slightly differently from the previous two of complicity and hypocrisy. It is this condition that I believe is most pertinent to discussions of child soldiers. Sometimes norm violations are just none of our business. If the situation in which the norm was violated has no bearing on a blaming agent, and the repercussions of it also have no bearing on the blaming agent, then the blaming agent is not ‘blamerworthy’, to borrow a term from Friedman (2013). For example, if an agent lies to another agent about whether their outfit suits them, both of whom you do not know, this has no bearing on you and so it would be inappropriate for you to blame the liar. It is simply none of your business. This condition of remoteness is captured in discussions of meddling and what is sometimes referred to as the ‘business condition’.¹⁵⁸

For child soldiers then, this perhaps suggests that only those directly involved in the wrong (the victims, their community, etc.) have standing to blame. As I sit at my desk, detached from the actions and realities of child soldiering, I do not have standing to blame. I am not relevantly involved in the situation, nor impacted by the actions of child soldiers. In contrast, the victim of a child soldier’s actions would have standing to blame. They are the ones whose

¹⁵⁸ For discussions of meddling and the business condition see Bell (2012, pp. 277-278) and Todd (2019, p. 348).

rights are infringed upon, and the repercussions of the child soldier violating the norm impact them.

There are two potential objections here which feel important to discuss. The first is that it might strike some as odd to claim that because we are not involved in the situation, we cannot blame child soldiers for their bad actions. Surely those who are emotionally detached from the situation are the perfect people to judge. They would likely take more of an objective standpoint and be more impartial than those involved after all. However blame, as an emotion-laden reactive attitude simply cannot be a detached judgment (McGeer, 2012, p.300). To judge someone to be an appropriate object of reactive attitudes – to judge them as morally responsible – is an objective judgment.¹⁵⁹ To *actually* blame them, however, is an entirely interpersonal endeavour because of the functions of blame I have outlined in §3.2.4.¹⁶⁰

We may however want to concede that, as part of a moral community we have at least a very minimal relationship with victims which means we can blame on behalf of the victims – a type of third-personal blame. Edlich (2022) argues that we should reframe the debate in a way that centres the victims, not the perpetrators, in our reasons for blaming because the need to

¹⁵⁹ This is in a similar vein to Strawson's (1993, p.52) "objective stance". When we adopt the objective stance, Strawson (1993, p.52) argues, we see others "as an object of social policy" – as an object of certain kinds of treatment. Whilst Strawson (1993, pp.52-53) does warn against always taking the objective stance, he notes that this stance can at times be helpful for example when considering how to treat a young child who is acting out. Strawson (1993, p.52) also notes that the objective stance is something we tend to fall into when forming judgments about the actions of individuals who "are partially or wholly inhibited by abnormalities or immaturity". Strawson's (1993, pp.52-53) account of the objective stance, therefore, helps to explain how we can judge someone to be morally responsible and worthy of certain treatment, but not blame them.

¹⁶⁰ As I outlined in §3.2.4, blame has three functions which all involve the blamed person and the blaming person interacting. Blame therefore only achieves its full aim if it is successfully communicated. Blame which falls short of either communicating the blamer's disapproval, entering into a dialogue with the blamed person, or improving the blamed person's actions in the future, therefore does not achieve its full aims as it is an instance of uncommunicated blame.

support victims can outweigh considerations of standing to blame in cases of severe wrongdoing. Whilst this is not a position I will explore in depth; I believe we can make room for this kind of third-personal blame in the account this thesis defends. By accepting a more expansive notion of what it means to be part of a moral community, perhaps a global community, we can make sense of blaming on behalf of a victim even with such large physical distances from the wrongdoing. In this way, physical distance and the remoteness condition may still play a role in standing to blame, especially for smaller wrongs, however we can make sense of our intuition that we should be able to blame on behalf of the victims of great atrocities.

This leads to the second objection that one might not believe the remoteness condition has any strength against morally heinous violations such as murder, for example.¹⁶¹ In the next section, I will outline how considerations of standing to blame interact with coerced agents specifically and mean that we sometimes lack standing to blame even against the most grievous moral violations.

7.3.2 Standing to Blame for Coerced Actions

If the individuals who are coerced are at least minimally morally responsible for their actions because in some sense they endorse their action, as I have argued in §7.3, then how do we make

¹⁶¹ It seems pertinent to refer back to §2.2 and §2.3 here to acknowledge that many child soldiers do not commit these kinds of morally heinous actions. Their actions can often be simply in support roles, rather than directly involved in fighting. Even if the remoteness condition does not apply to the most extreme moral violations such as murder or sexual violence then, it does not mean that remoteness does not play a role in some of the other moral violations child soldiers may commit. For example, it may simply be none of our business that many child soldiers support militias in roles such as cooks or porters.

sense of our intuition that we cannot blame them? Let's return to the third option of explaining the moral responsibility of coerced agents – that they are morally responsible but cannot be blamed. If we take seriously the notion of standing to blame I have sketched in the previous section, then we can understand why we do not want to blame individuals who have been coerced for their actions. I believe that hypocrisy considerations play the most important role here, especially when considering heinous moral wrongs of the kind we often think about concerning child soldiers. Consider the example below:

The militia first came to my village in early January. ...they beat many people and killed some. They told us that if we did not join them we would die. When the militia came, my parents were very afraid and said to me, "If the militia ask you to do anything, just do it or they will kill us."

(UNICEF, 2003a, p.17)

The testimony above depicts a child who had to join the militia, or he and his family would be killed. The child did not have any reasonable choice other than to join because of the threat to themselves and their family. Given the above discussion then, the child soldier is morally responsible for joining the militia, but it seems that we do not want to blame them, nor should we blame them.¹⁶² As explained above, I believe this intuition rests upon considerations of hypocrisy. In discussing 'Obedience to Authority' experiments, Adam Piovarchy (2023)

¹⁶² However, as in the case of forced actions discussed in §7.2, the coercion only affects the way we view blameworthiness for this specific action – in this case joining the militia. We would perhaps be able to blame any actions performed after such an action, or even because of the action, since we may regain our standing to blame in these cases.

argues, mirroring the discussion of hypocrisy in the previous section, that since we would also act in the same way it would be inappropriate for us to blame those who choose to submit to authority.¹⁶³

Piovarchy (2023, pp.523-524) argues that “subjunctive hypocrites” lack standing to blame because they also do not take seriously the norm that is being violated. Subjunctive hypocrites are simply agents who, but for chance of not being in that situation, would have acted in the same way (Piovarchy, 2023, p.523). In the case of the testimony above then of a coerced child soldier, whom among us could say they would have acted differently?¹⁶⁴ I suspect relatively few. As such, we do not possess standing to blame.¹⁶⁵

¹⁶³ ‘Obedience to authority’ experiments are a type of situationist psychology experiment first developed by Milgram (1963). Subjects are led to believe that the experiment they are participating in is focused on memory and learning (Piovarchy, 2023, p.516). The subjects of the experiment are assigned as a teacher, and an actor is assigned as a learner (Piovarchy, 2023, p.516). A machine which delivers electric shocks is attached to the learner and the teacher is instructed to deliver a shock of increasing intensity each time the learner gets a question wrong (Piovarchy, 2023, p.516). When the learner refuses to continue, the teacher is instructed by the experimenter to continue (Piovarchy, 2023, p.516). Milgram (1963) found that 65% of the subjects continued with the experiment even after the learner refused to carry on (Piovarchy, 2023, p.516).

¹⁶⁴ Piovarchy (2023, p.529) acknowledges that in obedience to authority studies, the subjects are not coerced (although there may be some psychological difficulty in disobeying). I believe this further strengthens my claim that we do not have standing to blame since we would most likely have acted in the same way, *especially* if we were coerced.

¹⁶⁵ In cases where someone joins a militia, we may also want to say that the action is not wrong, and therefore is not deserving of blame. This is not however a version of the second option of explaining the moral responsibility of coerced agents – that the evaluative category of the action changes in light of the coercion. Rather, it is an intuition that it is permissible to act in self-preservation because we have agent-relative prerogatives. Whilst agent-relative prerogatives are typically deployed in relation to self-defence, I do not believe it is unjustified to suggest that we consider agent-relative prerogatives in cases of a threat of force also. However, similar to my rebuttal of option two that the evaluative category does not change from wrong to right, I believe agent-relative prerogatives only have an influence over lesser-evil *justifications*. For a defence of agent-relative prerogatives in lesser-evil justifications see Dorsey (2005), and Gordon-Solmon (2022). For agent-relative prerogatives more generally see Bader (2019), and Quong (2016).

I think discussions of standing to blame also plausibly explain why the victims of coerced individuals such as child soldiers *do* have the standing to blame. By virtue of this, we can also explain why Mackenzie can blame Loz for pushing her in **Push***. The victim takes the violation of the norm seriously because they understand the harm caused first-hand.¹⁶⁶ Standing to blame considerations therefore reliably explain why we have an intuition that coerced agents cannot be blamed by most people but are nonetheless morally responsible. This account also does not negate our intuition that the victims of coerced agents *can* blame them.¹⁶⁷

This section has therefore attempted to make sense of just why agents who have been coerced may not be blamed for wrongdoing, even if they are morally responsible as I have argued in §7.3. What does this mean for child soldiers? As the testimony above shows, child soldiers can be coerced into performing wrongdoing, and so in these cases, they may be morally responsible, but not blamed. A report from Human Rights Watch (2008, n.p.) collected various examples of just how child soldiers are coerced into fighting around the world. These include being forced to participate in the execution of those who attempted to run away as a threat of what would happen to them if they also tried to escape by National Union for the Total

¹⁶⁶ It is perhaps important to note that individuals can regain the standing to blame if they begin to take the norm seriously. I believe this is what happens in the case of victims who may themselves have committed similar wrongdoings before, for example. For discussions of regaining the standing to blame see Fritz and Miller (2018) and Todd (2019).

¹⁶⁷ The standing to blame victims possess may also reasonably be outsourced to persons close to them. For example, Alexander Edlich (2022) suggests that centring the victim in discussions of standing to blame allows for third parties to blame - even if their standing to blame is undermined - as the need to support the victim can outweigh standing to blame considerations. Under Edlich's (2022) view, hypocritical or interfering (as a form of the remoteness or business condition) persons may still be able to blame if they are the only one speaking up for the victim (Edlich, 2022, p.227). This is precisely because blame has functions beyond just communicating our disapproval, as I have outlined in §3.2.4. Whilst this is not a line of debate I explore in this thesis, I believe it is worth noting that standing to blame, and the functions of blame, debates are currently rather narrow and tend not to consider how blame can also be beneficial for the victims of the wrongdoing. Edlich's (2022) widening of the debate in this way therefore poses interesting questions for the direction of this emerging debate.

Independence of Angola (UNITA), or the threat of prison if they do not join the National Army in Burma (Human Rights Watch, 2008, n.p.). The rightness or wrongness of these actions does not change, although they may be justified through a lesser-evil justification.

As outlined throughout this thesis but particularly in §2.2 and §2.3, the experiences of child soldiers are not homogenous, and some child soldiers may enter their roles and carry out tasks without the threat of force. Cases of coercion therefore do not constitute all of actions performed by child soldiers. Instead, the actions of child soldiers may seem to be performed under duress. In the next section I will explore the effects of duress on moral responsibility.

7.4 Duress

Based on the definition of duress from the American Model Penal Code, McMahan (2009, p.116) defines duress as an agent being “coerced . . . by the use of, or a threat to use, unlawful force against his person or the person of another, which a person of reasonable firmness in his situation would have been unable to resist”. Interestingly for English law, duress as a defence has never been legislated beyond it not being an available defence in murder cases (Elkington, 2022, p.1). This is despite duress being used as a defence in cases for centuries (Elkington, 2022, p.1). McMahan (2009, p.116) expands this original definition, however, to include threats not only from agents but also social or natural conditions which, if the agent fails to act in some way, may unintentionally arise. I believe the previous section on coercion sufficiently deals with threats made by other agents. This section will therefore focus only on duress cases whereby the social or natural conditions create a threat to the agent (in this case children). The discussion will centre on the recruitment of children and the social and natural conditions that

may drive them to join, although I do not deny that cases of duress may be present in other areas of a child soldier's experience.

It may be important to note here that there is another definition of duress used within torture and interrogation literature. Sometimes synonymous with the term "torture lite", "stress and duress" tactics encompass interrogation and torture techniques which fall short of those typically brutal, and physically violent techniques we associate with torture (Wolfendale, 2009, Bellaby, 2016). Torture lite instead includes techniques such as sleep deprivation, isolation or personal humiliation (Wolfendale, 2009, pp.47-48). Confessions and the like that are elicited under these conditions of torture lite may therefore have been said to have been elicited under duress.

For the purposes of this thesis, I believe actions performed under torture lite are best captured by the exemption of moral responsibility because of diminished psychological complexity in chapter 4. In such cases, the agent can no longer function in the relevant ways because their psychological mechanisms have been interrupted (for example, by lack of sleep). Because of this, this section will focus only on threats from the social and natural conditions surrounding the agent, in particular in the decision to join a military, a militia, or an armed group. Following McMahan's (2009, p.117) definition, these threats may not be "the product of intentional agency" of another agent – duress in this sense includes threats that arise from the social, economic or natural conditions in which the agent is situated.

What does it mean for someone to join an armed group under duress? McMahan (2009, p.117) notes that those who enlist, as opposed to being conscripted, "often do so under a kind of compulsion deriving from the grinding exigencies of their economic or social circumstances". In short, the social or economic circumstances of an agent may drive them to

enlist in an armed force or group to better their lives in some way. For example, in the US, economic pressure seems to be a main motivation for enlisting (Mittelstadt, 2015, Greenberg et al., 2022). McMahan (2009, pp.117-118) also acknowledges that the shame of not enlisting may also drive some to enlist – for example, the social pressures to ‘fight for your country’ in WW1 or in American society in the Vietnam war.

What do these social or economic pressures to enlist mean for the recruitment of child soldiers? Beginning from the British context, I will argue that these pressures can be exploited by recruiters. I will then turn to the question of the child’s moral responsibility. I will argue that whilst making a choice under duress may be difficult, following the discussion above on coercion, a choice has still been made. The agent is therefore still morally responsible to a degree, except in cases of extreme duress.

Currently, children can start their application to join the British army, with parental consent, at the age of 15 years and 9 months (Ministry of Defence, 2022, n.p). Britain is relatively alone in this recruitment of under-18s, with three quarters of the world’s armed forces only recruiting adults (Cooper and David, 2021, n.p). No other member of NATO or permanent member of the UN security council recruits this young (Parry, 2017, n.p).¹⁶⁸ Over the years there have been various calls for the Ministry of Defence to increase the recruitment age to 18 in line with the majority of other armed forces, including from the UN (United Nations,

¹⁶⁸ See also the current status of child soldiering in international law in §2.4.

2008).¹⁶⁹ In the 2021 UK Armed Forces Biannual Diversity Report, it was found that 22.1% of the Armed Forces recruits in 2020 were under 18 (Ministry of Defence, 2021, p.11). It is perhaps important to note that the recruitment of under 18s in the British Armed Forces is overwhelmingly into the Army rather than the RAF or Navy (Cooper and David, 2021, n.p).

Not only are the Armed Forces, particularly the Army, seemingly reliant on the recruitment of under-18s, this recruitment is overwhelmingly of those from disadvantaged backgrounds (Gee, 2007, p.17, Child Rights International Network, 2019). Interestingly, the Child Rights International Network (2019, p.13) notes that “when the range of civilian options increases, enlistment rates tend to fall”. This is something acknowledged by British Army recruitment, with Mark Francois MP (cited in Child Rights International Network, 2019, p.13) stating:

The Armed Forces have traditionally benefited from periods of high unemployment, with Service in the Forces often seen as a “way out” from deprived communities. The near record level of those in employment has depressed this source of recruits for the forces.

With the Optional Protocol stating that the recruitment of young people must be genuinely voluntary, this presents a potential issue in the recruitment of minors from disadvantaged backgrounds into the British Army (United Nations, 2017b). If under-18s feel they have no choice but to enlist because of their social and economic background, then as

¹⁶⁹ For other calls for the cessation of the recruitment of children into the British Armed Forces see ForcesWatch (2011), Child Soldiers International (2019), Child Rights International Network (2020) and Cooper and David (2021).

shown above, these under-18s have enlisted under duress. Joining because they feel they have no other reasonable choice can be evidenced by testimony from Army recruits. For example, the below testimony from an Army recruit interviewed for the documentary *Raw Recruits*:

I am extremely stressed pretty much all the time...because I have nothing else to go back on if I leave here.

(cited in Child Rights International Network, 2019, p.13)

Not only are those who are under-18 who are recruited from disadvantaged backgrounds, they are actively targeted by recruitment campaigns.¹⁷⁰ A media buying brief from 2018 reveals that the target audience from the ‘This is Belonging’ campaign were those who were “16-24, primarily C2DE”.¹⁷¹

And these campaigns are effective in driving recruitment. For example, the 2019 ‘Your Army Needs You’ campaign which used Kitchener-style illustrations to target young people via stereotypes such as “snowflakes”, “phone zombies” and “selfie addicts” increased recruitment in the first quarter of the year by over 1000 recruits than on the same quarter in the previous year (Stewart, 2019a, 2019b). As part of this campaign, an army magazine called *The Locker* was included in copies of PlayStation magazine (Morris, 2019). This edition of *The Locker* was touted as a “gaming special” and promised to explain to readers “why the army loves your non-

¹⁷⁰ For previous Ministry of defence recruitment campaigns see the ‘This is Belonging’ Campaign (Creative Works, 2018), the ‘Your Army Needs You’ Campaign (Stewart, 2019a), and the ‘Made in the Royal Navy’ campaign (Creative Works, 2021).

¹⁷¹ C2DE refers to a social grade within the British National Readership Survey (NRS) – a system used to classify different demographics. C2, D and E are the poorest socioeconomic categories. For more on the NRS, see Ipsos MediaCT (2009).

stop, button-mashing skills” (Morris, 2019, n.p). There is no age restriction on who can buy PlayStation magazine (Morris, 2019). In a survey by OFCOM (2022, p.249), 88% of respondents between 16-24 year olds played video games. Similarly, with the increased popularity of esports, the Ministry of Defence has been exhibiting at gaming festivals and conventions, and also runs its own esports tournaments and streams (Sacco, 2022). Whilst the Ministry of Defence maintains there is a difference between outreach (such as their involvement in these gaming events) and recruitment, their close relationship with gaming cannot be denied (Powell, 2022).

Moreover, in 2018 the Ministry of Defence was accused of targeting children on GCSE results day via Facebook advertising claiming that a career in the military would still be open to them even if they did not get the grades they were hoping to achieve (Morris, 2018). This was met with backlash from children’s rights campaigners such as Child Soldiers International who claimed this move once again illustrated “that the MoD is deliberately targeting children at the lowest limit of the legal recruitment age to fill the lowest qualified, least popular and hardest-to-recruit army roles.” (Taylor, cited in Morris, 2018, n.p.).

These recruitment tactics show a tendency towards the recruitment of vulnerable adolescents into the British Military. I argue that, in some cases, choosing to enlist could be tantamount to enlisting under duress. This seems to be a case of duress simply because those who enlist from disadvantaged backgrounds (or out of fear or anxiety of not doing well in life) may in part, or in full, do so because military life is shown as a reasonable alternative to ‘escaping’ their socioeconomic background. In this sense, the British military is able to exploit the socioeconomic situations of vulnerable children to fulfil their recruitment quotas by actively targeting them. It is important to note that I am not arguing that *all* cases of underage

recruitment in the British Military happen under duress, indeed research from the British army suggests that 56% of their junior recruits had always wanted to join (Cooper and David, 2021). Rather I am arguing that, given the socioeconomic background of many under-18 recruits, coupled with the targeted advertising, some under-18s would not have chosen to join had their socioeconomic background or the career possibilities offered to them been different. There is therefore a case for arguing for the possibility that some of the recruitment of under-18s into the British Armed Forces happens under duress.

But what does this mean for the moral responsibility of those who enlist under these conditions? As outlined in §7.3 on coercion, there are various ways we could understand their moral responsibility. In cases of duress, it seems that the agent has made a choice, albeit between undesirable options. Much like in cases of coercion, the agent could be morally responsible for their decision to enlist. The presence of duress may excuse some of this responsibility. If the severity of the consequences of not enlisting are such that the agent could not have reasonably been expected to do otherwise, their responsibility may be excused to an extent.¹⁷² As Drumbl (2012b, p.12) notes, we should aim to better understand the ways in which child soldiers are “traversing, surviving, coping, and making what they can out of bad circumstances not of their own doing”, which suggests a degree of responsibility even though the conditions in which these decisions are made are not ideal. Again, because this thesis defends a view of moral responsibility as scalar, the claim is not that duress does not impact moral responsibility at all. Rather, I am only claiming that duress does not completely excuse

¹⁷² Considerations of the kind in the §7.3.1 and §7.3.2 on standing to blame for coerced actions may also be important here.

moral responsibility. Agents who perform actions under duress may therefore be morally responsible only to a lesser degree. This is because, much like cases of coercion the agent is constrained by the choices available to them, but they still nevertheless make a choice that reflects their will.

Moreover, for British child soldiers specifically, given that recruits are at least 15 years and 9 months old when they choose to join, it seems that other excuses such as lack of psychological complexity or moral competency may not apply given their age.¹⁷³ Whilst under-18s who enlist in the British Armed Forces may be, to some extent, morally responsible for this decision, it is important to note that this does not mean their recruitment is morally justified. Whilst beyond the scope of this thesis, recruitment under duress is still morally wrong, but not because those recruited are not morally responsible agents.

Of course, voluntary recruitment under a background of duress does not only affect British child soldiers, but rather it is a part of the experiences of child soldiers globally. Drumbl (2012b, p.13) notes that the notion of “youth volunteerism” has historically been generally underexplored and undertheorized. This is particularly prevalent in the depictions of the child soldier stereotype as agency-less victims as I have outlined in §2.2. This lack of focus on the voluntary recruitment of child soldiers in the theoretical literature may come as a surprise considering studies often find that most child soldiers have not been forced or coerced into joining. For example, a study by the International Labour Organisation (2003, p.viii) in Burundi, Republic of the Congo, the Democratic Republic of Congo, and Rwanda found that

¹⁷³ See §4.3.1 for a discussion of the psychological complexity of children, and §5.3.1 for moral development in children.

“two out of three present or former child soldiers surveyed said that they took the initiative of enrolling themselves “voluntarily” —they were not kidnapped nor obliged to do so under threat”.¹⁷⁴

For evidence of duress in voluntary recruitment, take the testimony from a child soldier in Sri Lanka below:

About ten days before the day of the marriage, I started to plan to leave the house. I waited, tried to convince my parents, they were very adamant and would not listen to me. They never listened. The day before the marriage everything was ready. I ran away. I ran away to escape a marriage I didn't like.

(Keairns, 2003b, p.17)

This child soldier arguably acted under duress when they saw joining the militia as the only reasonable choice against a forced marriage. According to a study conducted in the Democratic Republic of Congo by War Child (2018, p.11) there are numerous other push factors that may lead a child to join an armed force or group including: household poverty, hunger, lack of opportunities, vengeance, constant looting leading them to believe there is no other reasonable option, or escaping bad situations within their communities.

¹⁷⁴ This move in research towards understanding voluntary recruitment in child soldiers has arguably been led by sociological studies and interviews with child soldiers. For prominent work in the area see Rosen (2007), Shepler (2014), and Nguyen (2022).

Whilst this section has only focused on duress during the recruitment process of child soldiers, duress may be a relevant excusing condition at any point in the child soldiers experience. For example, no matter how the child soldier joined the armed force or group (whether forcibly or not), once within the group they may feel there is no reasonable choice but to continue to work within their role.¹⁷⁵ Whilst this may be because of direct threats such as discussed in §7.3 on coercion, but this can also be because they do not feel there is anything to be gained by leaving. For example, consider these two quotes below describing why child soldier may not want to leave:

Those who don't want to leave have left problems behind them at home, maybe they've killed someone, maybe stolen, owe someone money. If he goes home he'll be imprisoned. [He's] better off staying with the armed group than going back to the village.

(Boy, aged 16, from Lumbishi, Kalehe)

In the armed groups, there is a lot to eat and drink. When they were in Kitchanga, there was no work. They wouldn't have a penny to even buy one cigarette, so they prefer to stay in the armed group.

¹⁷⁵ One may argue that whilst duress does not undermine moral responsibility, it can affect whether the resulting actions of child soldiers are right or wrong. For a dismissal of the view that excusing conditions can excuse further actions see the discussion in §7.2.

(Girl, aged 16, from Kitchanga, Masisi)

(War Child, 2018, p.63)

These quotes suggest that because of the limited options available to child soldiers within armed groups, they may stay under duress as there are no other reasonable options created by their situation available to them.

This section has therefore aimed to show that child soldiers do sometimes act under duress. Much like the excusing condition of coercion, however, this does not completely eradicate their moral responsibility. Rather, because moral responsibility is scalar, excusing conditions such as duress may diminish their moral responsibility to an extent, although not completely eradicate it. Much like in cases of coercion, the choices for child soldiers who act under duress have been constrained in some way (for example, the social situation means that their best chance of employment is in an armed force or group). So, whilst their choice to join is genuinely theirs and reflects their will, their moral responsibility may be said to be slightly diminished in light of their diminished options. This, however, like coercion cases, does not completely excuse their moral responsibility, and child soldiers can still be morally responsible agents. In the final section, I will discuss a final excusing condition that is relevant to the experiences of child soldiers; that of manipulation.

7.5 Manipulation

There is one final excusing condition I believe it is pertinent to address - manipulation. Manipulation of agents and its effect on their moral responsibility for the actions they perform

as a result has been investigated by various philosophers (Wolf, 1988, Mele, 1995, 2008, Fischer and Ravizza, 1998, Zimmerman, 2002). The importance of agential history in determining moral responsibility is often emphasised. Agential history discussions arose as an objection to structural accounts of moral responsibility such as those proposed by Frankfurt (1971, 1988, 1993) and Watson (1975, 1996).¹⁷⁶ The objection goes as follows: if the relevant psychological structure (hierarchy of desires, wholeheartedness or the link between values and desires etc. as discussed in Chapter 4) is the result of an influence such as brainwashing, manipulation or the like, then how can we see the agent as morally responsible for an action brought about by the structure? Under structural views of moral responsibility, because the correct structure in the agent's desires exists, the agent would be morally responsible for all actions that follow from the structure. To further illustrate, consider the influential case of Ann and Beth paraphrased from Mele (1995, p.145):

Ann and Beth: Ann is a philosopher who works almost all day every day on philosophical conundrums and loves every second. Ann is this way in part because of her upbringing. Beth is an equally as talented philosopher but values many other things above philosophy. Beth enjoys her own way of life because of this and knows that she would not enjoy long days in the office. Their head of department wants Beth to be more like Ann. The head of department hires a psychologist to discover what it is that makes Ann the way she is, and to brainwash Beth to have the same hierarchy of values as Ann. Beth is now, in all the relevant senses, Ann's "psychological twin". Beth

¹⁷⁶ These structural accounts of moral responsibility are outlined in Chapter 3.

awakes and discovers a new love of philosophy and feels that the social events she once enjoyed she no longer values to the same extent. Beth throws herself into her work and works almost all day every day on philosophical conundrums and loves every second. When Beth reflects on her values and preferences, she wholeheartedly embraces her new work-life balance.

What are we to make of the case of **Ann and Beth**, and Beth's moral responsibility for actions that stem from her new values? It seems there are three possible responses to **Ann and Beth**: (1) Beth is morally responsible and the brainwashing does not excuse her moral responsibility in any way, (2) Beth is not morally responsible because she is not responsible for her new beliefs, or (3) Beth is in part responsible because she has acted in that way, but her responsibility is diminished because she cannot help but have the beliefs that she has. These responses would, of course, have varying consequences for the treatment of agents who have been manipulated, such as child soldiers, in light of their moral responsibility status.

How can we then understand the moral responsibility of an agent whose actions flow from her new real self because she has been manipulated or brainwashed? In this section, I will outline the three possible responses to manipulation cases mentioned above. I will argue against (1) Beth being morally responsible with no excuse to lessen her moral responsibility, and (2) Beth not being morally responsible at all. I will then defend (3), that Beth is morally responsible to an extent, as the most plausible account of how to understand the moral responsibility of agents such as Beth who have been brainwashed or manipulated. Finally, I will argue that this notion of diminished moral responsibility may also help us to understand cases of manipulation in child soldiers, including the forced use of drugs and alcohol to change their ways of thinking.

Structural accounts of moral responsibility would have to conclude (1) of the **Ann and Beth** case. That is, they have to conclude that Beth is morally responsible for actions that stem from these new desires and values she acquired through manipulation because, according to structural accounts, they are her real self at the time of the action. Structural accounts are thus only concerned with what we could call 'time slice' responsibility. The responsibility of the agent for performing some action at time *t* is therefore directly related to the structure of the agent's desires and values at time *t*. Since Beth wholeheartedly endorses her action at time *t*, she is morally responsible for the action.

We could take a hard line here and argue that Beth is morally responsible because, even though she acquired her desires and beliefs in a strange way, they are her desires and beliefs nonetheless.¹⁷⁷ But this does not seem to correctly capture our intuitions about Beth. It does not seem right to take Beth to be wholly responsible simply because she is not responsible for having acquired these new desires and values in the first place. As Mele (1995, p.155) himself argues, Beth exhibits a kind of false control over her actions because her desire and values structure has been imposed on her and her self is a direct copy of Ann's. In contrast, Ann does possess a relevant kind of self-government because the desires and values are truly hers in some relevant way. This relevant way, argue Fischer and Ravizza (1998), is related to agential history; an agent must acquire their beliefs, desires and values in the correct way in order to be morally responsible for actions that result from them.

¹⁷⁷ For such an account, see Frankfurt (1969, 2002a).

Since (1) does not capture the way we think about agents such as Beth, perhaps (2) is more plausible. (2) is the claim that Beth is not morally responsible because she has not acquired her desire and value structure in the right way – she was brainwashed after all. In short, the agent is not responsible because the desire and value structure that produced the action is not “the agent’s own” (Fischer and Ravizza, 1998, p.39). According to Fischer and Ravizza (1998), the history of how an agent comes to have certain beliefs and desires matters.¹⁷⁸ For them, authentic beliefs and desires only arise from a mechanism that the agent develops during the process of becoming a moral agent (Fischer and Ravizza, 1998, pp.208-221).

To develop these mechanisms, an agent must satisfy three conditions: (a) they must recognise that choices they make can cause changes in the world, (b) they must see themselves as an appropriate object of reactive attitudes, and (c) these two beliefs (about their choices causing changes and making themselves appropriate objects of reactive attitudes) must be based in evidence of being appropriately held accountable for their views by their community (Fischer and Ravizza, 1998, pp.208-221). In short, if an agent does not take responsibility for a mechanism because they do not satisfy these three conditions, then they are not responsible for the actions that result from this mechanism. Beth cannot not take responsibility for the structure of the desires and beliefs she acquired from being brainwashed, and therefore cannot be

¹⁷⁸ For other conceptions of the historical condition on moral responsibility see Christman (2022), Glannon (1998), and Zimmerman (2003).

responsible for the actions that result from that mechanism (Fischer and Ravizza, 1998, pp.230-236).¹⁷⁹

This way of understanding moral responsibility I believe fits with the view outlined in this thesis, especially the conditions of moral competency and psychological complexity, and the idea of accountability. And it does seem that the way in which an agent acquires their desires and beliefs is relevant to their being appropriately held responsible. However, I want to reject the idea that a wrong kind of personal history is sufficient to excuse an agent's moral responsibility fully. Instead, I believe that (3) offers a more plausible account of how we are to understand the moral responsibility of manipulated agents. To recap, (3) is essentially the idea that a manipulated agent is morally responsible, but their moral responsibility can be excused to an extent because they could not help but acquire those beliefs. I argue that, whilst the manipulated agent is not responsible *for acquiring the structure of beliefs*, and this is relevant to their moral responsibility, they are still in some relevant lesser sense responsible for the actions that result from these beliefs. To motivate this claim, consider again the case of JoJo from Wolf (1988, p.54) that was originally discussed in §5.2.2:

JoJo: JoJo is the child of a dictator. As JoJo grows up, she does not receive a normal education and instead follows her dictator father around whilst he goes about his rule. JoJo learns from her father that actions such as torturing

¹⁷⁹ There are ample discussions around if, why, and how agential history excuses moral responsibility. For discussions in support of agential history excusing moral responsibility see Mele (2008, 2009, 2019), Ciuirria (2015), and McKenna (2016). Interestingly McKenna remains largely agnostic about the importance of agential history, and so some criticisms can be found in McKenna (2012). For further non-historicist accounts see Talbert (2008) and of course Locke and Frankfurt (1975). For a mixed discussion see Haji (2013).

and killing innocent people are good actions. As JoJo grows up, she develops a love for all things torture.

Wolf (1988, p.54) notes that because of JoJo's upbringing and her "heritage", "it is unclear whether anyone with a childhood such as [hers] could have developed into anything but the twisted and perverse sort of person that [s]he has become". Because of this, it is intuitive to think that JoJo is not fully responsible for her belief that torture is a good action.¹⁸⁰ This intuition that JoJo is excused or exempt from her moral responsibility at least to some degree stems from the fact that JoJo has been socially conditioned (Hartman, 2018, pp.176-177).¹⁸¹ However, a historicist account like (2) cannot account for this intuition. JoJo's agential history has been formed in the right way, unlike Beth's. JoJo would therefore be seen as fully morally responsible under a historicist account.

Constitutive luck is the notion that who one is and the traits we have is largely a matter of luck because of our genes, environment, caregivers and a variety of other factors that influence us and are beyond our control (Nagel, 1979, p.324).¹⁸² However, as Cyr (2020, p.2387) argues, there seems to be no relevant difference between agents who are manipulated

¹⁸⁰ Much like in the case of coercion in §6.3.2, it seems appropriate for the victims of JoJo's actions to blame them. If she is not morally responsible however, how can this be the case? I believe here we must defer to a Edlich-esque (2022) appeal to the importance of blame *to the victim*. Whilst this is not an argument I intend to explore here, it seems reasonable to suggest that victims want to blame someone, and that this may be an appropriate response to wrongdoing. A related phenomenon is the fact that victims of natural disasters often seek to place undue responsibility and blame onto human actions. For studies into this type of blaming see Kumagai, Edwards and Carroll (2006), and Massazza, Brewin and Joffe (2019).

¹⁸¹ This section will discuss why JoJo may be excused of some of her moral responsibility on the grounds that she has been manipulated. For a discussion of why JoJo may be exempt from moral responsibility altogether see §5.2.2.

¹⁸² For arguments against the existence of constitutive luck see Diamantis (2023) and Hurley (1993).

like Beth, and those who are entirely constitutively lucky like Ann. Their action of completing the manuscript both stem from constitutions which they had no control over – Beth was manipulated to be this way, and Ann was surrounded by people and environments growing up that caused her to have those relevant constitutions. If a historicist claims that the constitutively lucky agent is morally responsible (and there does not seem any reason for them not to), then they also have to say the same about Beth. Constitutive luck also plays an important role in the case of JoJo because she has been constitutively *unlucky*. However, a historicist would also have to claim that JoJo is morally responsible despite her constitutive unluckiness.

Here Cyr's (2020, pp.2392-2393, 2023) "history-sensitive structuralism" offers a middle ground between structuralism and historicism. As noted above when discussing option (1), the problem for structuralist accounts of moral responsibility is that they cannot account for a difference between Beth and a constitutively lucky agent such as Ann in terms of their moral responsibility. If all that matters is the way the beliefs and desires move an agent to act, then Beth is as morally responsible as Ann. Purely historicist accounts of moral responsibility thus also cannot explain our intuitions that constitutive (un)luck seems relevant to cases such as **JoJo** (Cyr, 2020, pp.2385-2387).

History-sensitive structuralism essentially holds that structuralist features such as psychological complexity and moral competency "are sufficient to establish that [agents] meet the threshold conditions on moral responsibility" (Cyr, 2023, p.3). The way in which an agent makes her constitution – i.e., her agential history – however is important in establishing her *degree* of moral responsibility. History-sensitive structuralism therefore allows us to make sense of why we may see Beth as *less morally responsible* than Ann (Cyr, 2023, p.3). Beth is less morally responsible than Ann simply because Beth did not have any control over her (new)

constitution. If we see the self as constantly evolving as our desires and beliefs change and develop, the amount of control an agent has over the continuous reformation of the self can be said to determine the extent to which an agent is morally responsible (Feinberg, cited in Cyr, 2023, p.4). Newly formed constitutions, either through constitutive luck or manipulation, are outside of an agent's control, and this is why they undermine moral responsibility to an extent. JoJo as an entirely constitutively *unlucky* agent can therefore be understood as morally responsible to a limited extent since, whilst she wholeheartedly endorses the torture, she has not had relevant control over her constitution.

If manipulation can provide an excuse for some, but not all, of an agent's moral responsibility, then what does this mean for child soldiers? The brainwashing and manipulation of child soldiers is regularly documented in the media – particularly in the case of ISIS 'cubs'.¹⁸³ In these manipulation cases, children are recruited via indoctrination into a belief system (Anaie, 2019, pp.99-100). Such cases arguably replicate the case of **JoJo**. Indoctrinated children, in the same way as JoJo, cannot be held morally responsible for acquiring such beliefs.¹⁸⁴ Indoctrination may excuse some of the child soldiers' responsibility if it can be shown that the child soldier has not had any chance to take control over their constitution and recreate their self.

¹⁸³ The 'Cubs of the Caliphate' as they were dubbed, were children who joined (voluntarily or forcibly) into ISIS and undertook training before 'graduating' as ISIS fighters. For more information on the experiences, including indoctrination, of ISIS cubs see Anderson (2016), Heing (2017), and Horgan, et al (2017).

¹⁸⁴ Whether children who seek out indoctrination material on social media and the like are morally responsible for doing so is a related but separate question that I will not address here.

Indoctrination is not the only type of manipulation child soldiers may be subjected to. The use of drugs and alcohol to make children less risk-averse and more susceptible to manipulation by their adult counterparts has also been reported. Describing the abduction of his 17-year-old brother by Farc fighters, Alfredo tells a reporter:

“They basically got him drunk and convinced him to leave with them [...] But when they brought him back to collect his things the next day, he didn’t want to leave. He was crying and I was powerless to do anything because the guerrilla said they would kill us.”

(Charles, 2020, n.p)

And the theme of the use of drugs and alcohol is common in testimonies from child soldiers. To recall a testimony previously discussed in §2.5.4:

This is where they would cut and put the “brown-brown”. [He shows a raised Welt on his left pectoral.] We would then inhale cocaine. During operations, I sometimes would take it two or three times a day. I felt strong and powerful. I felt no fear.

Z, Aged 14.

(Singer, 2006, pp.82-83)

See also a quote from a child soldier in Sierra Leone:

When I go to battle fields, I smoke enough. That's why I become unafraid of everything ... When you refuse to take drugs, it's called technical sabotage and you are killed.

(Zarfis, 2002, p.19)

There seems to be three possible outcomes for the use of drugs and alcohol and their effect on moral responsibility. I believe these rest in considerations of the agent's real self, and whether the agent voluntarily took the substance.¹⁸⁵ For nonvoluntary use of substances, it seems that an agent may be excused from their moral responsibility both for taking the drug and to some extent the actions which they perform after.¹⁸⁶ The use of the substance has not resulted from their constitution or real self. Moreover, because their constitution may be altered by taking the substance, they become like Beth and have diminished responsibility since they did not have control over developing this constitution. If the agent's real self *does* endorse the action and would have performed it without being under the influence anyway, then the agent is not excused from their moral responsibility. This is because the agent has had control over their constitution which would have caused them to perform the action regardless. Aristotle's (NE 1110b13-14) distinction between two types of "ignorance through action" explains to an extent why we have these different outcomes.¹⁸⁷

Acts done through ignorance therefore fall into two classes: if the agent regrets the act, we think that he has acted involuntarily; if he does not regret it, to mark

¹⁸⁵ Recall the discussion of Real Self views in §4.2.

¹⁸⁶ I use the term nonvoluntary here to refer to both forced and accidental substance use.

¹⁸⁷ It is important to note that the way Aristotle uses the term 'ignorance' differs from the term's usage in this thesis. For Aristotle (NE 1110b) ignorance seems to have a broader meaning related to how the agent relates to, and takes ownership of, their action. In this thesis the term ignorance is used more narrowly and only relates to the agent's understanding and recognition of the relevant moral facts. This is discussed in chapter 7.

the distinction we may call him a ‘non-voluntary’ agent—for as the case is different it is better to give it a special name.

(Aristotle, NE 1110b13)

To take acts done *in* ignorance first, previous discussions surrounding Real Self views of moral responsibility are of course also relevant here. “If the agent regrets the act” – i.e., if their real self does not endorse the action, then like Beth, we cannot hold them responsible (Aristotle, NE 1110b13). Returning the use of substances then, if an agent nonvoluntarily uses a substance and would not have acted the way they did had they not been under the influence, they are excused of their moral responsibility for the action.

If the agent does not regret the action – if their real self *does*, or *would*, endorse the action (if Beth would endorse her new love of philosophy) then their moral responsibility is not excused. Nonvoluntary substance use that results in the child soldier performing an action they would have even if they were not under the influence therefore is also not excused.

The final option for substance use – that the individual voluntarily took the substance and therefore cannot be excused from their moral responsibility is plausibly explained simply because taking the substance is endorsed by their real self. Appeals to non-culpable moral ignorance may, however, be successful here if it can be shown that the individual did not know the substance could cause such an effect. For child soldiers under the influence of substances then, for substance use to excuse their moral responsibility it must be shown that they did not voluntarily take the substance, and that their actions under its influence are not actions they would otherwise have performed. Otherwise taking the substance is tantamount to performing a benighting act, and the child soldier would be considered *culpably* morally ignorant.

This section has aimed to show that there are different kinds of manipulation which may excuse a child soldiers' moral responsibility to different degrees, including indoctrination and manipulation, and altered states caused by substance use. To what extent the moral responsibility of child soldiers can be excused by these situations is dependent on to what extent they were involved in altering their constitution, or real self.

7.6 Conclusion

This chapter has discussed some of the excusing conditions which may apply to child soldiers: force, coercion, duress, and manipulation. Beginning with force, force can excuse moral responsibility fully since the agent, or child soldier in this case, did not will the action in any way – their body was simply used to perform the will of someone else. Coercion and duress cases, however, do pose child soldiers with some degree of choice, albeit the choice is very limited. Coercion and duress therefore can only partially excuse moral responsibility since the agent's real self does endorse their choice. Finally, manipulation can come in different forms for child soldiers such as brainwashing and indoctrination, and the use of drugs and alcohol. In these cases, for a child soldier's moral responsibility to be fully excused, it must be shown that the child soldier did was not involved in any way in the altering of their real self. In the final chapter, I will discuss one potential implication of the dual victim-perpetrator view of the moral responsibility of child soldiers this thesis has developed.

8. A Scalar Account of Liability to Defensive Harm

8.1 Introduction

Having defended an account throughout this thesis of the moral responsibility of child soldiers as at least minimally morally responsible, I believe it is important to explore some of the implications of this view. As I outlined in the introduction to this thesis and Chapter 2, current international law, the media, and NGOs often imply that child soldiers are completely nonresponsible agents and are therefore only victims. What I hope this thesis has shown is that this is too simplified a view. In exploring how child soldiers may or may not be responsible I have aimed to show that child soldiers generally have a degree of responsibility. As such, they are both victim and perpetrator. In what follows I will outline one way I believe this view can influence the way child soldiers are treated. I will propose that given moral responsibility's relationship with liability to defensive harm, child soldiers should be offered special protection in war, and adult combatants should exercise restraint against them. However, this does not mean that child soldiers are not liable to defensive harm, only that they may not be liable to be killed.

In this chapter I will present a scalar account of liability to defensive harm, which focuses on the moral responsibility of agents and draws on the work of Jeff McMahan (2005, 2010). I will argue that liability to defensive harm is scalar and gives rise, at least in some cases, to *pro tanto* duties for combatants fighting child soldiers to bear some costs to avoid excessive harm coming to the child soldier.

The structure of this argument will be as follows. To argue for a requirement of justice to exercise restraint against child soldiers, in §8.2 will outline McMahan's (2010) argument that

we should take some notion of moral responsibility into account when we consider liability to defensive harm. In §8.3, I will bring together the account of moral responsibility for child soldiers this thesis has presents, and the question of liability to defensive harm. §8.4 will outline two ways scalar liability could be formulated, before committing to an account which places emphasis on the costs the attacked agent must bear. Finally, in §8.5 I will tackle three objections McMahan (2010) raises to the suggested view specifically in relation to child soldiers: (i) its consequences in kill or be killed cases, (ii) that the notion of mercy can explain our intuitions about the relevant constraints, (iii) and the thought that the view is not sufficiently pragmatic so as to work in real or nonideal situations.

8.2 McMahan's View

Literature on killing in defence in war often relies on the notion of liability of defensive harm. An agent who is liable to defensive harm is an who agent has forfeited their right not to be harmed or killed. An agent who is liable to defensive harm is therefore not wronged if they are harmed, at least not if the harm inflicted on the agent is necessary and proportionate to avert a threat of objectively unjustified harm to which the agent is relevantly connected.

For orthodox just war theorists such as Walzer (2015), this distinction between agents who are liable to defensive harm and those who are not relies on the notion of self-defence (McMahan, 2010, p.28). For them, those who pose a threat to others are liable to defensive harm. Put simply, since combatants pose a threat, they are liable to defensive harm. Noncombatants do not pose a threat and are therefore not liable to defensive harm. Since child

soldiers pose a threat, they are thus liable to defensive harm according to orthodox just war theorists (McMahan, 2010, p.28).¹⁸⁸

McMahan (2010, pp.28-29) argues that, whilst Walzer (2015) is right to appeal to self-defence in explaining liability to defensive harm, the account of liability to defensive harm this explanation provides is incorrect. When we take the previous account of liability to defensive harm and apply it to non-war contexts, grounding liability to defensive harm in self- (or other) defence in this way is, to use McMahan's (2010, p.29) turn of phrase, "plainly unacceptable". Grounding liability to defensive harm in self-defence is too permissive since it allows for agents to be liable to defensive harm due to any threat, not just unjust threats. To see this, consider the following case paraphrased from McMahan (2010, p.29):

Unjust Assailant: You are attacked without justification by someone in a "malicious and culpable" way. If you do not kill the assailant, you yourself will be killed by them.

In **Unjust Assailant**, our intuition is that you are justified in fighting back.¹⁸⁹ However, if liability to defensive harm rests on the notion of self-defence, by fighting back you pose a threat to the unjust assailant you are liable to defensive harm from them also (McMahan, 1994, McMahan, 2005, McMahan, 2010, p.29, Quong, 2012, Strawser, 2014). By fighting back you lose your moral right not to be attacked. McMahan (2010, p.29) argues that this simply cannot

¹⁸⁸ In international law, this difference in liability is grounded in more pragmatic considerations. Having a neutral law which grants combatants the right to target other combatants but not noncombatants is intended to limit the destruction of war.

¹⁸⁹ For the purposes of this chapter, I will assume this is the typical intuition people have about **Unjust Assailant**.

be the case – “you are morally *justified* in attacking your attacker, who will not be *wronged* by your action, even if you kill [them]”. McMahan (2010, p.29) hence argues that the account of liability that Walzer’s just war theory is based on is incorrect in that it understands liability to defensive harm as deriving from *any* posing of a threat, not just the posing of an *unjust* threat.¹⁹⁰

If we accept McMahan’s revised view of liability to defensive harm “the only combatants who are morally justified in fighting are those who fight for a just cause in a just war” (McMahan, 2010, p.29). Under this view those fighting on an unjust side are not, in general, morally justified in killing enemy combatants.¹⁹¹ McMahan (2010, p.29) accepts this view.¹⁹² However, he argues that even this condition (posing an unjust threat) is neither necessary nor sufficient for an account of liability to “defensive violence”. Instead, McMahan (2010, pp.29-30) argues that responsibility (specifically his conception of *moral* responsibility) is important in such an account.¹⁹³ To further illustrate this thought, consider the case below:

Lone Dictator: Imagine there is an evil dictator who rules using fear rather than support. The dictator, from the comfort of their own country, orders their

¹⁹⁰ Since the threat against you in **Unjust Assailant** is unjust, the unjust assailant is liable to be killed by you. However, since you are acting in self-defence if you attack them back, the threat you pose to them is not unjust and you are therefore not liable to defensive harm.

¹⁹¹ Of course, some exceptions may exist. For example, a just combatant involved in an unjust mission.

¹⁹² For a more complete argument, see McMahan (2006). This view is in direct contention to Walzer’s (2015, p.39) “moral equality of combatants” view.

¹⁹³ It is also important to note that McMahan’s (2010) concept of moral responsibility is much thinner than the one presented in the rest of this thesis. For McMahan (2010, pp.29-30) moral responsibility only requires that the agent must be morally competent and know that their actions may cause harm. On this view, it is possible for an agent to be responsible but not blameworthy. Discussions of McMahan’s (2010) view will therefore rely on this conception of moral responsibility. However, the account I will defend from §8.3 onwards relies on the thicker account of moral responsibility this thesis relies on.

army to invade a neighbouring country. The soldiers do not want to fight. However, they must follow orders. To stop the invasion the invaded country has two options: (1) kill the soldiers, or (2) kill the dictator (since the dictator does not have supporters, the invasion will end almost instantly).¹⁹⁴

In **Lone Dictator** there are two views we can take on the moral responsibility of the soldiers. They are either (1) posing an unjust threat but are not morally responsible for it, or (2) posing an unjust threat and have diminished moral responsibility for it.¹⁹⁵ Conversely, the dictator poses no immediate threat personally to the invaded country (the dictator is not fighting), but is morally responsible for the threat to the invaded country.¹⁹⁶ When faced with this decision, our intuition is that the invaded country should kill the dictator to stop the war, rather than kill the soldiers.¹⁹⁷ This suggests that moral responsibility for a threat of harm that lacks objective justification grounds liability (McMahan, 2010, p.30).

¹⁹⁴ McMahan (2010, pp.29-30) uses a case involving a drugged assailant to explain the necessity of moral responsibility. However, the case is ambiguous, and I believe leads to confused intuitions. For simplicity, I have developed a different case which I believe captures the point better.

¹⁹⁵ The soldiers may be seen as not morally responsible or having diminished moral responsibility because they have been forced or coerced into fighting. The first conception is the kind of agent that McMahan (2010, p.30) calls a nonresponsible threat. This is of course a simplification of an enormously complex issue, specifically concerning what it means to fight for an unjust cause, and what it means to fight under duress. Whilst I cannot address this complexity in detail here, it is important to note that the case of soldiers in **Lone Dictator** is not identical to the case of child soldiers, nor is it identical to other cases where combatants are fighting for an unjust cause under duress. What is important for this paper however is that there is some reason why the soldiers in **Lone Dictator** are not responsible or have diminished responsibility, but nonetheless pose a threat. The specific reasons for the diminished responsibility of the soldiers in **Lone Dictator**, whilst important, do not have a direct implication on this chapter.

¹⁹⁶ As McMahan (2010, p.30) notes, of course usually moral responsibility for the threat, and the posing of a threat coincide.

¹⁹⁷ Suppose for the sake of argument that the invaded country can kill the dictator before the invasion happens, and therefore would not need to defend themselves against the soldiers.

McMahan (2010, p.30) goes further than this to argue that moral responsibility is also *necessary* for liability. The soldiers have diminished moral responsibility for the threat they pose. Their action is performed under duress, and this seems to be an important factor in moral responsibility – agents must have voluntarily acted in that way (McMahan, 2010, p.30). Responsibility for the unjust threat is thus relevant for liability to defensive harm – our intuition is that the dictator would be liable to defensive harm, but the soldiers would not. Other reasons that justify the use of violence by the invaded country against the soldiers may still apply. However, these reasons would not rest on the soldiers being liable to defensive harm, but rather would likely take a form similar to a lesser evil justification (i.e., to avoid innocent civilians being wounded).¹⁹⁸

To recap, moral responsibility is necessary for an agent to be liable to defensive harm. The below table attempts to systematise the intuitions from the **Lone Dictator** case:

Figure 3

		Moral responsibility status	
		Morally responsible for the threat	Not morally responsible for the threat
Threat status	Poses the threat	<i>Liable to defensive harm</i>	<i>Not liable to defensive harm (The soldiers)</i>
	Does not pose the threat	<i>Liable to defensive harm (The dictator)</i>	<i>Not liable to defensive harm</i>

¹⁹⁸ Lesser-evil justifications appeal to the fact that an agent can sometimes bring about harm if this is necessary to bring about a significant good. This harm is usually foreseen or incidental harms – whether less evil justifications justify intentional harm is a point of contention.

Even if you do not grant that these soldiers are completely nonresponsible agents, this does not pose a problem for this view. If these soldiers have diminished responsibility (they are partly though not wholly responsible for their actions), this may suggest, as I defend in §8.4 and §8.5, that moral responsibility is a scalar property – that it can come in degrees.¹⁹⁹ As such, I will go on to claim that liability to defensive harm, in virtue of the connection to moral responsibility, is also scalar. Moreover, the above table suggests that whether or not the agent poses the threat themselves has no bearing on their liability to defensive harm.²⁰⁰ Using the case of child soldiers, in what follows I will argue for this understanding of the relationship between moral responsibility and liability to defensive harm.

8.3 Moral Responsibility and Liability to Defensive Harm Revisited

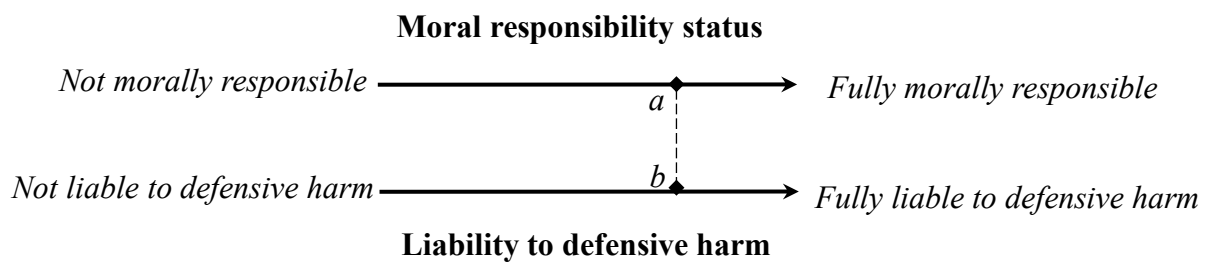
Having outlined and defended the view that child soldiers are morally responsible throughout this thesis, in this section I will outline what follows from these conceptions in terms of liability. The case of child soldiers clearly suggests that moral responsibility is a scalar property – an

¹⁹⁹ This is certainly something that McMahan (2010) himself endorses *to a point*. In this chapter, as will become clear, I go further than McMahan and argue that liability to defensive harm is always scalar. For McMahan (2010, p.35) on the other hand, liability to defensive attack seems to be only scalar in the sense that it can dictate categories of responsibility. For example, moral responsibility coupled with culpability is a kind of enhanced moral responsibility and thus should be treated as such.

²⁰⁰ Of course, whether the agent physically poses the threat is usually an important determiner in whether the threat will be stopped – cases such as **Lone Dictator** are few and far between in reality. To put it more precisely, the Dictator is liable to defensive harm because they are morally responsible for an unjust threat. For an interesting discussion of causal contribution and liability to defensive harm see Tadros (2018).

agent can be more, or less morally responsible.²⁰¹ Given this, if we recall the table in *figure 3* in §8.2, perhaps a better iteration of the link between moral responsibility and liability to defensive harm would therefore take the same categorisations of moral responsibility status and threat status, and place them on axes:

Figure 4



In *figure 4* then, the relationship between moral responsibility and liability to defensive harm would be a strict correlation from the degree of moral responsibility (e.g., ♦*a*) to the degree of liability to defensive harm (e.g., ♦*b*).²⁰²

If we then are to see the previous two views in conjunction with each other – that (i) moral responsibility is necessary and sufficient for liability to defensive harm, and (ii) that child

²⁰¹ Here I move away from McMahan’s (2010) thin conception of moral responsibility as competency and rely on the fuller account of moral responsibility defended throughout this thesis.

²⁰² The use of ‘fully’ liable to defensive harm, and ‘fully’ morally responsible here may not be the most accurate depiction of this scale. I believe it would be very hard, if not impossible, to find a ‘fully’ morally responsible (and therefore ‘fully’ liable) agent in the real world given the myriad of excusing conditions that can apply even minimally. However, for the purposes of demonstrating how I believe this view would work, I believe these terms can be symbolic of some such ideal agent we can understand could exist, wherein none of the excusing conditions apply to them even minimally.

soldiers have some degree of moral responsibility – this would have the following three kinds of consequences. First, given the link between moral responsibility and liability to defensive harm, I suggest that liability to defensive harm should also be on a spectrum. Second, the relationship between moral responsibility and liability to defensive harm suggests there may be cases where child soldiers (if they are at least partly morally responsible) are at least to some degree liable to defensive harm, and therefore just combatants are justified in attacking, or even killing, them. Third, this relationship between moral responsibility and liability to defensive harm may also create constraints on defensive killing in relation to child soldiers if their moral responsibility is sufficiently diminished. I will take each of these consequences in turn.

Taking the first consequence, with respect to liability to defensive harm, if liability to defensive harm is linked to moral responsibility and moral responsibility comes in degrees, then it would suggest that liability to defensive harm could also come in degrees. An agent could therefore be more or less liable to defensive harm (and therefore the degree of force used against them would differ) depending on the degree of their moral responsibility. But what would this actually mean? There are two ways this can be conceptualised – a limiting harm view, and a bearing costs view. In §8.4 I will outline these views before discarding the limiting harm view as implausible. I will then pursue the bearing costs view.

Concerning the second and third consequences, there are two potential implications of liability to defensive harm coming in degrees which bear on the ability to justify attacking, or not attacking, an unjust threat. The first is that the degree of liability to defensive harm determines the permissibility of different kinds of attack. The second is that the degree of liability to defensive harm also determines the cost the just attacker having to bear to avoid causing too much harm to the unjust attacker. These implications are related in that the

permissibility of certain actions impacts the costs that an agent must bear. These implications map directly onto the two views outlined in §8.4 – the limiting harm view, and the bearing costs view.

8.4 Liability to Defensive Harm as Scalar

So far, I have outlined some of the consequences of liability to defensive harm being scalar and related to moral responsibility. In what follows I will explore two ways in which these ideas could be conceived. The first, explored in §8.4.1, is the limiting harm view. This view essentially places a cap on the amount of harm an agent is liable to depending on their moral responsibility. Similar views have been defended by Bazargan (2014) and Frowe (2014). However, I will argue that the limiting harm view does not fully capture our intuitions since the maximum amount of harm that is permissible may not be enough to avert the threat. In §8.4.2 I will then pursue what I believe to be a more plausible conception of liability to defensive harm – a view I call the ‘bearing costs’ view. This view mirrors the limiting harm view in some ways but instead places a threshold at which other agents involved may have to bear some costs.

8.4.1 Limiting Harm View

Liability to defensive harm has a bearing on the permissibility of defensively attacking the agent in question. Put simply, if an agent is liable to defensive harm, then imposing necessary and proportionate defensive harm on the agent is not morally wrong. This is typically the kind of understanding implicit in the notion that, when an agent is liable to defensive harm, they have

forfeited their right to not be attacked.²⁰³ As McMahan (2005, p.386) states “the person to be killed has acted in such a way that to kill him would neither wrong him nor violate his rights”.

If liability to defensive harm is a scalar property, then it would perhaps seem natural that the permissibility of different kinds of defensive attacks would also be scalar to account for the degrees of liability. In what follows I will first dismiss the view that permissibility can come in degrees, before discussing whether liability to defensive harm has a bearing on the kinds of attacks agents are permitted to use.

Liability to defensive harm encompasses the principles of discrimination and proportionality. The principle of discrimination essentially determines who is a legitimate target of attack, and the principle of proportionality determines to what extent can targets be harmed in pursuit of the military aims (i.e., is the level of attack excessive?) (Frowe, 2018, p.47, McMahan, 2018, p.423). If liability to defensive harm determines the permissibility of such attacks, it will do so on the bases of whether the agent is a legitimate target and/or what level of force is appropriate.²⁰⁴ For example, if an agent is not liable to defensive harm because their moral status (i.e., being a civilian who has not posed a threat) does not make them a legitimate target, then no level of force would be appropriate, and thus no attack is permissible. Conversely, and importantly where the scalar conception of liability to defensive harm differs from current literature, if an agent were partly liable to attack because they performed the action

²⁰³ This seems to be the typical stance in self-defence literature. For discussions of rights forfeiture see McMahan (2005), Tadros (2016), and Quong (2012).

²⁰⁴ The principle of proportionality here is understood in the narrow sense outlined by McMahan (2009). It is narrow since it only considers whether the harm inflicted on the attacker is excessive in relation to their liability to defensive harm (McMahan, 2009, p.21). This contrasts with wide proportionality which also includes considerations about whether harms to innocent people are excessive.

but it was done under duress, then the agent would be a legitimate target, and some level of force may be appropriate.

The principle of discrimination is a binary property – an agent is either a legitimate target or is not. It is thus the second of these principles, proportionality, which I take the degrees of liability to defensive harm to map onto most accurately. Different types of attack may be more, or less, proportional. For example, there is a difference between breaking someone's arm and killing them. Recall, the example above – we may think it permissible to break the arm of someone acting under duress, but not to kill them. This difference is in degrees. When talking about the proportionality of different actions we would typically compare them; 'breaking their arm is *more proportional* than killing them, but *less proportional* than hurting their wrist'.

I take it that proportionality being understood as a scalar property is not novel. However, in this chapter, I am proposing a more complex understanding of proportionality than is typical in the literature. This proposal takes not only the relationship between defensive harm inflicted and unjustified harm averted into account, but also considers the degree of responsibility of the agent who is liable to the defensive harm, as in the example of an agent acting under duress above. Essentially the idea is that the less moral responsibility an agent has, then the less harm can be inflicted upon them. I will return to this idea of the relationship between liability to defensive harm and proportionality in §8.5 in relation to objections from McMahan (2010).

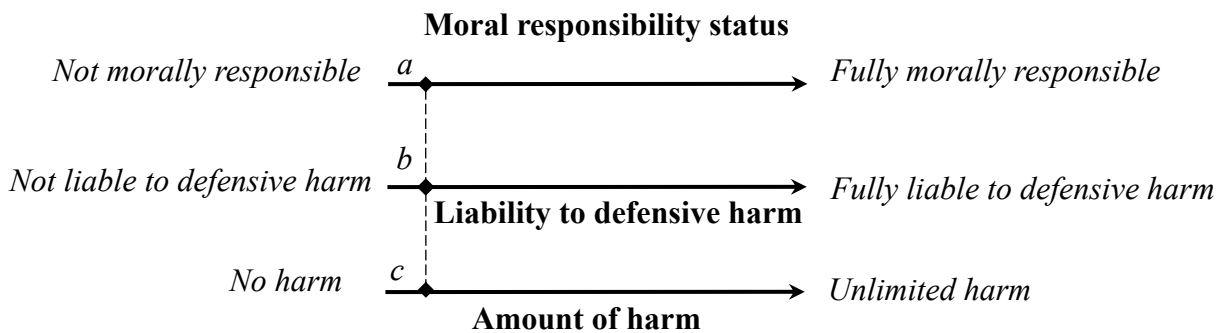
Returning to the three consequences of this view, the second and third (that combatants may be at least sometimes justified in killing child soldiers in self-defence, and that there may be restraints on the ways in which child soldiers can be harmed) seem relevant here. In some cases, it may perhaps be the most proportional option to kill the child soldier in virtue of their moral responsibility, and this may therefore be a permissible action. Conversely, in other cases

there may be some restraints on the way the child soldier can be harmed because they have diminished moral responsibility and so are only liable to a certain amount of harm.

If an agent's liability to defensive harm is related to their moral responsibility in this way, we could understand the amount of harm they are liable to as being limited in a certain way. One limit could be a 'cap' on the maximum amount of harm can be inflicted on the agent.

Figure 4 above then may be added to, to create the following figure:

Figure 5



Under this view, the relationship between an agent's liability to defensive harm (e.g., $\blacklozenge b$) determines the level for the maximum amount of harm the agent is liable for (e.g., $\blacklozenge c$). For example, if a minimally responsible agent ($\blacklozenge a$) were to unjustly attack another agent, the minimally responsible agent would only be liable for a minimal amount of harm ($\blacklozenge c$) because they are only minimally liable to defensive harm ($\blacklozenge b$).²⁰⁵

²⁰⁵ Here I use the term minimally responsible as opposed to some other term such as partly responsible to depict an agent who is only marginally responsible, rather than an agent who is 'partly responsible' which does not denote a specific amount of responsibility. A partly responsible agent could for example, be only minimally non-responsible.

This may initially seem to be an attractive view. If moral responsibility status directly relates to the agent's liability status, then it seems plausible that this would place a similar constraint on the amount of harm the agent can bear. But this view has undesirable consequences. If we take kill or be killed cases such as **Unjust Assailant**, if the unjust assailant is minimally morally responsible, under this limiting view the unjust assailant would only be liable for a minimal amount of harm (perhaps something along the lines of a broken leg). The minimal harm you are permitted to inflict upon a minimally responsible agent under this view therefore may not be enough to avert the attack. If you were to kill the unjust assailant then, this could not be justified on the grounds that they were liable to defensive harm.

Some of the literature on defensive killing does endorse a limit on the amount of harm a minimally responsible agent can be liable to which, at first look seems to overcome this consequence in kill or be killed cases (Bazargan, 2014, Frowe, 2014). This is typically a threshold or cut off point under which an agent should not be harmed. Saba Bazargan (2014, p.114) develops an account of liability to defensive harm in which 'minimally responsible threateners' are "liable only to the degree of harm equivalent to what she risks causing multiplied by her degree of responsibility". I believe this is equivalent to the view outlined in *figure 5*. Put simply, there is a limit to the amount of defensive harm a minimally responsible threatener is liable to.

Interestingly however, Bazargan's (2014) view is hybrid in that harm above this limit is justified as a lesser wrong than killing the victim because of the perpetrator's responsibility and thus liability to some harm. For Bazargan (2014, p.129), there is an "agent-neutral permission" to kill minimally responsible threateners defensively because "imposing a lethal harm on someone who bears some moral responsibility for an unjust threat is (*ceteris paribus*) the lesser

evil relative to the alternative of allowing the [minimally responsible threatener] to kill her nonresponsible victim". Bazargan (2014, p.127) bases this lesser evil claim on the idea that the disvalue of the harm caused to the minimally responsible threatener can be discounted relative to the harm that the minimally responsible threatener would impose on her nonresponsible victim. In cases where the minimally responsible threatener is killed on these grounds, Bazargan (2014, p.136) argues that the minimally responsible threatener's rights are *infringed* upon, though not *violated*.

Whilst this view may seem to capture our intuitions about kill-or-be-killed cases since it allows for the minimally responsible threatener to be killed in self-defence, this is only because we can appeal to a 'justified infringement' of their right to life due to their previous transgression. Because the minimally responsible threatener is not liable to the harm imposed on them above the threshold created by their minimal responsibility status, they are owed compensation in relation to harm imposed upon them above this threshold Bazargan (2014, p.136). Put simply then, the reason the minimally responsible threatener can be harmed to this extent is not in virtue of their responsibility status, but rather by appeal to a lesser evil. This does not equate with our intuitions that (1) responsibility for the threat you cause should play a role in why you can be harmed, or that (2) you have no right to complain about, or be compensated for, this harm.

Since the limiting harms view thus does not capture our intuitions, I propose a further view. In the next section, I will outline my account of liability to defensive harm. Whilst similar to a limiting harm view, I hope to avoid the problems outlined here. The bearing costs view will instead emphasise that the point at which a minimally responsible agent ceases to be liable for defensive harm is the point at which the other agent should bear some costs to avoid further

harm to the minimally responsible agent. In a similar sense to Bazargan's (2014) view then, the bearing costs view is not a strict limit on the harm that can be inflicted.

8.4.2 *Bearing Costs View*

In this section, I argue there is a different conception of liability on a spectrum that is more plausible than the previous view. This view mirrors the limiting harm view in that there is a level of harm up to which an agent is liable. This, however, is not a limit on the amount of harm that can be inflicted on the agent. Rather, this level of harm (e.g., $\diamond c$) is reformulated as the level of harm at which the other agents involved must bear some costs to protect the minimally responsible agent from further harm.

If we recall the implications of the view that liability to defensive harm is scalar from §8.3, the second implication was that the level of liability to defensive harm can also determine the amount of cost an agent who defensively attacks may be required to bear in some situation. This draws on the idea that liability to defensive harm is related to permissibility and underlines the notion that those involved may be required to bear some costs to avoid harming nonresponsible, or lesser responsible, attackers. Consider the classic case below paraphrased from Nozick (1974, p.34):

Falling Person: A person, through no fault of their own, is falling down a well, at the bottom of which there is another person trapped. The only way to stop the falling person from killing the person who is trapped is for the trapped person to shoot the falling person with a ray gun that will vaporise their body.

Our intuitions suggest that the trapped person is permitted to vaporise the falling person. However, if there were an option for the trapped person to save the life of the falling person with some cost to themselves, I argue that this would be the morally right thing for the trapped person to do. For example, if the trapped person had the option of breaking the falling person's fall by catching them, even if it would break the trapped person's arm, I argue that this option would be morally required. Of course, this is a case of two nonresponsible agents (both the falling person and the trapped person are in no way responsible for their predicament). However, if we accept that the trapped person is required to bear the cost of breaking their own arm, I believe it is also plausible to suggest that, in different degrees, responsible agents can have similar duties towards lesser responsible agents who are posing a threat to them. Put simply, if a nonresponsible agent is required to bear some cost to save another nonresponsible agent, then it does not seem absurd to suggest that a responsible agent may also have the same duty towards lesser responsible agents.

Let's return to the second of the three consequences of the relationship between liability to defensive harm and moral responsibility. With respect to the defensive killing of child soldiers, if a child soldier were fully morally responsible, then the attacked agent would not be required to bear any significant costs such as risking their own life or being harmed in some way to avoid harming the child soldier. When child soldiers have at least some degree of moral responsibility, they are not completely nonresponsible agents. Because liability to defensive harm is arguably linked to moral responsibility in the way just explained, the degree to which they are responsible is the degree to which they are liable to defensive harm. Combatants may therefore be justified in killing child soldiers at least in some situations (which I will outline in §8.5), even if it is never permissible to kill a nonresponsible threat. Concerning the third consequence, the attacked combatant, however, may be required to bear some cost, for example

in the form of the risks they put themselves under or being harmed themselves, to avoid killing the child soldier if the child soldier was not liable to be killed, but rather only to be harmed. I will outline some of the thresholds for this in §8.5.

Taking the case of **Unjust Assailant** again, it may be the case then that you are required to break *your own* leg if this would save the life of the unjust assailant. This may seem to be a drastic view. However, I believe this better captures our intuitions about how we should exercise constraint against minimally responsible agents such as child soldiers. Under this view, moral responsibility determines how liable to defensive harm someone is and that liability too comes in degrees. If child soldiers are partly, although not fully, responsible for the threat they pose to other combatants, then whilst it may be permissible to kill child soldiers in some situations, in others, combatants may be required to exercise restraint to more of an extent than they would if they were fighting against a fully morally responsible adult combatant. In exercising this restraint, the adult combatant may be required to bear some cost to avoid more harm than the child soldier is liable to. They may, for example, have to bear some burdens themselves or place themselves under some risk.

Indeed, we already have such a view on the treatment of *civilians* in war. *Jus in bello* considerations are often based on a distinction between combatants and non-combatants which offers non-combatants certain protections. Margalit and Walzer (2009) argue that soldiers must exercise restraint in situations where civilians would be foreseeably harmed. “When soldiers [...] take fire from the rooftop of a building, they should not pull back and call for artillery or air strikes that may destroy most or all of the people in or near the building; they should try to get close enough to the building to find out who is inside or to aim directly at the fighters on the roof” (Margalit and Walzer, 2009). Views such as this imply that combatants must bear

some costs – namely a potentially less successful operation – to protect noncombatants given their ‘innocent’ moral status.²⁰⁶ My account of liability to defensive harm thus aims to impose a similar special moral status for child soldiers in war. This moral status offers protection to those who are not fully morally responsible for the harms they cause. In what follows I will respond to three possible objections to this view.

8.5 In Defence of a Scalar Account of Liability to Defensive Harm

The account of liability to defensive harm I have outlined in this chapter is, as far as I can tell, not defended to this extent in the literature. McMahan (2010) outlines three criticisms to liability to defensive harm being scalar: (1) small differences in moral responsibility are morally decisive; (2) intuitions about exercising restraint against child soldiers are mercy based rather than justice based; and (3) there are practical issues with scalar liability. In this section, I will discuss these objections in turn.

McMahan (2010, pp.35-36) first argues that liability cannot always be on a spectrum because even a small difference in moral responsibility can be morally decisive. To argue for this, McMahan (2010, p.35) provides a third case paraphrased below:

²⁰⁶ Innocence in this sense is simply a claim that they are not morally liable to defensive harm because they are not directly participating in war.

Drugged Assailant: Similar to **Unjust Assailant**, however the assailant has taken a drug they believed would make them high. Instead, it causes them to begin to attack you. They will kill you if you do not kill them.

In **Drugged Assailant**, whilst the drugged assailant may ordinarily be a kind person, one mistake (taking the drug) has caused them to become a threat (McMahan, 2010, p.35). Given that the drugged assailant is responsible (although only to a lesser and perhaps even minimal degree) in this case, we would see it as permissible, at least under McMahan's (2010, p.35) view, for you to kill them in self-defence.²⁰⁷ Similarly, because in this case you do not pose an unjust threat (and are not morally responsible for any unjust threat at all) you are not liable to defensive harm. This is because the "slight asymmetry in responsibility can be morally decisive" particularly when the outcome is all-or-nothing as is the case for life-or-death situations (McMahan, 2010, p.35). Liability to defensive harm under McMahan's (2010) view can therefore be a 'yes or no' consideration which is dependent on even a minimal amount of moral responsibility.

The previous view would mean in the child soldier cases then that there would be no requirement to exercise restraint against them in kill or be killed cases such as these, and child soldiers would be liable to defensive harm to a sufficient degree if they are sufficiently responsible for the threat they cause. This is because even a minimal degree of responsibility on their part, under McMahan's (2010) view, deems them liable to defensive harm, including lethal harm if this is necessary. This suggests that the degree of moral responsibility plays no

²⁰⁷ For an account of the effects of drug-taking on moral responsibility see §7.5.

role in kill or be killed cases as there are only two outcomes. McMahan (2010, p.36) does not simply conclude that there is no reason at all to show restraint towards child soldiers in war (given their age and victimisation), but he claims simply that there is no *requirement* to do so.

I believe that here McMahan (2010, pp.35-36) has confused potential outcomes in specific cases with the liability for those outcomes. In situations where there are only two outcomes like in the kill or be killed cases, the *most proportionate* option is to kill the drugged assailant/child soldier because they are sufficiently responsible for the unjust threat they pose. But this does not mean that liability is a binary notion – that there are only two options (yes, they are liable to be killed, or no, they are not liable to be killed). Rather, it means that there are only two outcomes in kill or be killed cases. In these cases then, if the child soldier is the aggressor, then the child soldier is *more morally responsible* for the threat they pose than the just combatant (the just combatant has not caused the threat in any way) and is therefore more liable to defensive harm than the just combatant since the just combatant is not liable at all. If there were an option which fell between kill or be killed (for example, if the combatant were able to maim the child soldier or take them hostage) then this would be the *most proportionate* option of the three.²⁰⁸

This therefore seems to be a criticism of the arbitrariness of deciding at what point liability to defensive harm tips the decision towards it is permissible or justified to attack this agent. However, this arbitrary ‘line in the sand’ is not created by the notion of liability to

²⁰⁸ Of course, if this option were available in a parallel case only involving adults the third option would always be the only permissible option. As will be explored however, this is not my full claim. Instead, I am arguing that in cases involving children, the defender should, as a matter of justice, accept a minimal level of harm. The third option is therefore required at a lower threshold than in cases involving only adults.

defensive harm itself, but rather by the situation and the options available to agents. For my view then, this morally decisive point would be considered on a case-by-case basis when considering what defensive options are available, and which one ought to be chosen in light of the available alternatives.

I want to go further than this and argue that in cases where the attacker has less moral responsibility (as is typically the case with child soldiers), the defender has an obligation to choose the third option even if this causes greater harm to themselves. In cases where there is an asymmetry of moral responsibility with the aggressor being less morally responsible, the defender has a duty, as a matter of justice, to choose the most proportionate option – as they have in any case regardless of moral statuses. However, the asymmetry plays a role in deciding which *is* the most proportionate case. In kill or be killed cases, this duty does not extend to the defender not being permitted to kill the aggressor, even if the aggressor is not morally responsible since the aggressor is after all *more* responsible for the threat than the victim.

Another objection McMahan (2010, p.36) raises is that the idea that combatants are required to exercise restraint against child soldiers is that our intuitions are mercy based rather than justice based. Put simply, we feel that soldiers should do more to help child soldiers because they are children. This may be exacerbated by the fact that child soldiers may be victims of adult exploitation (McMahan, 2010, p.36).²⁰⁹ We are therefore guided by the idea that it would be merciful to spare their life, but this is not *required* of the combatants – it is

²⁰⁹ This is of course recognised throughout this thesis, however particularly in Chapter 7.

supererogatory and something they may choose to do if they have high moral ideals (McMahan, 2010, p.36).

But I do not believe that mercy is motivating to the extent McMahan (2010, p.36) argues for. We do not simply add on a consideration of mercy to our thought process when we consider cases such as child soldiers. Whilst we may be influenced by the idea of showing mercy to nonresponsible threats (especially when they are vulnerable like children are), I believe this is not just a question of mercy, but our intuitions about these cases show that this is a question of justice to those who cannot fully be held responsible for their actions, in this case child soldiers. Applying mercy considerations seems supererogatory – they are good and admirable considerations, but we are not required to apply them. In contrast, justice-based considerations seem morally required – if you do not follow these duties, you are criticisable or blameworthy for not doing so. I believe cases involving child soldiers are of the second kind, whereas the same case involving a fully morally responsible agent would be entirely mercy-based. To illustrate, consider the cases below:

Child Combatant: A child combatant is pointing a gun at a fully responsible adult combatant. The adult combatant has two ways available to them to stop the child combatant from fatally shooting them. They can either (1) shoot the child combatant, most likely killing them but with no risk to the adult combatant, or (2) wrestle the child soldier to the ground, thereby only minimally harming the child soldier but at a moderate risk of injury to the adult combatant.

Adult Combatant: The same as Child Combatant, however the child combatant is replaced with a fully morally responsible adult combatant instead.

I argue that in **Child Combatant**, in virtue of the child's diminished responsibility and therefore diminished liability to defensive harm, the adult combatant is morally required to take option (2), even with the risk to themselves such as breaking their arm. This is because (2) seems to be the *most proportional option* available given the responsibility status of the child. In contrast, in **Adult Combatant**, (1) seems to be the most proportional option given the equal responsibility status of the two combatants – the level of attack (being shot) is proportional to the level of threat (being shot by a responsible agent). Moreover, in **Child Combatant**, our intuition is that not doing (2) is *blameworthy*. On a neo-Strawsonian account of moral responsibility as I outlined in Chapter 3, blame indicates wrongdoing. In this case then, intuitively the agent has done something *wrong* in not choosing (2). This is in contrast with not choosing (2) in **Adult Combatant**. Our intuition is that the agent has not been *merciful*. Since mercy is not a duty, we would not blame the agent for not choosing (2) in **Adult Combatant**. I believe that it is our intuitions about cases like these which show exercising restraint against child soldiers can rise to the level of a duty, not merely a supererogatory, mercy-based consideration.²¹⁰

²¹⁰ My argument in this paper is only to suggest that there is a *pro tanto* duty to do (2), not that the duty to do (2) should override other considerations which may be at play in the war context. It is perhaps important to remember that liability to defensive harm is not the only consideration agents take into account in war. Other justifications

McMahan's (2010, p.34) final objection is rather vague. He mentions that we must consider practicality, but he does not expand on this point (McMahan, 2010, p.34). I assume that his argument is something like the following. In war, combatants cannot know the extent to which the child soldiers they are fighting against are morally responsible for the threat they cause. Therefore, combatants cannot be expected to exercise restraint against child soldiers if they do not know the extent to which they should exercise this. It is essentially impractical for liability to defensive harm to be on a spectrum because in the moment we most likely do not know how responsible agents are for the threat they cause.

Whilst it is true that combatants may not know the specifics, they will most likely, however, have a general idea. For example, combatants will know that the age of the child soldiers (as they are under 18) typically makes them less morally responsible.²¹¹ It can also be argued that intelligence collected on the enemy would give combatants insight into how the child soldiers are treated. We can therefore formulate 'rules of thumb' – or more accurately rules of engagement – which generally make these decisions easier and get these decisions closer to correct. It is only in the minority of cases where rules of thumb do not apply correctly.

Furthermore, these practicality considerations of McMahan (2010) would also apply to adult combatants. Because combatants may not know the specifics of the enemy's moral

may still permit the adult combatant to kill the child in this case. However, this would simply be because in the conflict between liability to defensive harm considerations and other justifications, the other justification in this case has more motivational force.

²¹¹ See chapters 4 and 5 for discussions of age.

responsibility, this does not mean that they cannot generalise that adult combatants are morally responsible (in the same way as they can generalise that child soldiers are not morally responsible) until they see evidence to the contrary. As I have suggested in §8.4.2 exercising restraint against certain groups in war is not novel. I am merely suggesting, similar to the special moral status civilians have in war, child soldiers should also have a special moral status.

8.6 Conclusion

In this section I have outlined McMahan's (2010) argument for moral responsibility being necessary for an agent to be liable to defensive harm. The argument is essentially as follows. Self-defence arguments are not enough to ground liability to be killed as they are too permissive and allow for those who pose a just threat (for example, when they have been attacked unjustly and choose to defend themselves) to be liable to defensive harm. Instead, liability to defensive harm is determined by whether the agent is morally responsible for the unjust threat they pose.

I have agreed with McMahan (2010) that moral responsibility is necessary for combatants to be liable to defensive harm. However, I have argued that since moral responsibility comes in degrees as can liability to defensive harm. I have also suggested that, even if child soldiers may not be wholly responsible for the threat they cause, they are also not wholly nonresponsible. They are therefore liable to defensive harm, but to a lesser extent than a morally responsible adult combatant would be. Combatants fighting against child soldiers are therefore required, as a matter of justice, to choose the most proportional method of attack - which is not always to kill the child soldiers - even at some cost to themselves.

The excusing conditions I have outlined may also plausibly apply to some adult combatants. However, this is not a problem with my view – the fact that some adult combatants may also

have diminished responsibility merely points to the reality that some agents are not fully morally responsible even if we typically treat them as such. What distinguishes child soldiers from their adult counterparts however, as I mention in §8.4 and throughout this thesis, is that we can regularly assume that child soldiers have diminished (although not completely diminished) responsibility, and therefore can operate on a 'rule of thumb'. This is not an assumption we can regularly make about adult combatants, however.

9. Conclusion

In this thesis I have sought to argue for a dual victim-perpetrator status of the moral responsibility of child soldiers. I have defended the view that child soldiers should often be considered as both victims and perpetrators because at least a degree of moral responsibility can be attributed to them. Traditionally child soldiers are portrayed in the media and by NGOs as only victims of adult exploitation – as agents who have been so manipulated, brainwashed, threatened, and abused that they cannot be held responsible for their actions.²¹² However, as shown throughout this thesis, child soldiers themselves often do not feel this way. The testimonies used throughout this thesis show that child soldiers often think they are morally responsible, at least in part, for their participation in war and very often express guilt and remorse for their wrongdoing. Moreover, the victims of the actions of child soldiers often want to, at least in part, hold them morally responsible. As outlined in Chapter 2, child soldiers are often also blamed for their actions by their communities and victims. In acknowledging these feelings of responsibility from both the child soldiers themselves and their victims, I have aimed to understand the moral responsibility status of child soldiers as a matter of degree, rather than a binary between responsible perpetrator or non-responsible victim.

In Chapter 3, I began by developing a neo-Strawsonian approach to moral responsibility. Traditional Strawsonian accounts assume a binary – morally responsible or not morally responsible – due to their reliance on the idea of reactive attitudes as emotions being either appropriate or not. In developing objective criteria for moral responsibility, I have argued that

²¹² This was discussed in §2.2.1, and §2.5.

moral responsibility should be considered as a scalar rather than a binary property. Moral agents can therefore be more, or less, morally responsible rather than simply morally responsible or not. This is because some conditions may exempt them from moral responsibility (lack of psychological complexity (Chapter 4) or moral competency (Chapter 5)), and others may excuse them from moral responsibility (moral ignorance (Chapter 6), force, coercion, duress, and manipulation (Chapter 7)). The exempting and excusing conditions this thesis discusses may not be an exhaustive list of exempting and excusing conditions for moral agents as a whole. However, I believe the exempting and excusing conditions capture most of the experiences of child soldiers.

I have essentially argued that the moral responsibility status of child soldiers is complex and multifaceted. This rejects the victim status NGOs often portray, but also the perpetrator status sometimes given to child soldiers such as Shamima Begum, as discussed at the beginning of Chapter 1. By arguing for a scalar approach to the moral responsibility of child soldiers, I hope to have found middle ground between these two opposing views which better reflects the experiences of child soldiers.

I have argued that, considering the typical age of child soldiers, they cannot be seen to be exempt from moral responsibility. That is, they do not lack moral competency (they can recognise and respond to moral reasons), and they are psychologically complex enough to form desires and intentionally act upon them in a way that allows them to not be governed by their immediate urges.

Depending on their circumstances, child soldiers may be excused from moral responsibility to a certain extent if any of the excusing conditions apply. For example, child soldiers may be manipulated, forced, or coerced into joining and performing certain tasks within

armed groups, or may join or perform actions under duress because of their social situation. Importantly, these excusing conditions do not just apply to the stereotypical child soldier – a stereotype I have aimed to dispel in Chapter 2 – but may apply to any children who participate in armed forces and armed groups in any role. Importantly however, I have argued in Chapters 6 and 7 that these excusing conditions may not always apply or may apply to a lesser extent than the victim view of child soldiers suggests. In doing so, I have argued for child soldiers to be seen as at least minimally morally responsible. Whilst this may at first seem controversial, I believe in doing so we can better understand their own feelings of guilt, and also acknowledge the feelings of their victims.²¹³ By uncovering the complexities of the experiences of child soldiers both in state armed forces and other armed groups, I have sought to dismiss this stereotype and the victim/perpetrator binary that attaches to it.

Having established a way of thinking about the complexities of the moral responsibility status of child soldiers, I hope in future to explore the implications of their dual victim-perpetrator on their treatment after war. Whilst Chapter 8 discusses the status of child soldiers during war and their liability to defensive harm, I believe this research may also have implications on their punishment, rehabilitation, and restorative justice practices after war which this thesis could not cover. This thesis has therefore left me with questions I could address in future research such as how a scalar view of moral responsibility could also be applied to other vulnerable groups within war, including armed civilians, persons who are *hors de combat*, and the use of propaganda against civilians. Whilst this thesis has touched upon discussions of

²¹³ The guilt child soldiers may feel was discussed in §2.6, and the feelings of victims were discussed throughout but mostly in relation to coerced agents in §7.3.

standing to blame, this could also be further explored in relation to whom is an appropriate blamer towards child soldiers who commit wrongdoing.

So, in conclusion, in this thesis I have rejected the victim/perpetrator binary that is present in discussions of the moral responsibility of child soldiers. I have developed a scalar account of moral responsibility based upon conditions which exempt or excuse agents from moral responsibility. I have argued that child soldiers generally meet the conditions of moral responsibility since they are sufficiently morally competent and psychologically complex, and so are not exempt from moral responsibility. In exploring whether the excusing conditions may apply to child soldiers, I have argued that the conditions may apply to the experiences of some child soldiers, however they typically apply to a lesser extent than the victim account suggests. In doing so, I believe this better captures the feelings of agency child soldiers typically express. I have also argued that in light of the complex moral responsibility status of child soldiers, they should be offered special protection within war. I hope that in acknowledging their moral responsibility status further research may be possible into how child soldiers should be treated after war.

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