

THE UNIVERSITY OF HULL

Moral Luck: Control, Choice, and Virtue

being a Thesis submitted for the Degree of

Doctor of Philosophy

in the University of Hull

By

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September, 2016

This thesis is dedicated to my parents, Ian Woodford and Lynn Woodford.

Abstract

In this thesis I propose a solution to the problem of moral luck. It is sometimes assumed that luck has no bearing on morality. However, Bernard Williams and Thomas Nagel, in their papers entitled ‘Moral Luck’, show how this assumption could be erroneous. When making moral judgements it is usually thought that we abide by the ‘Control Principle’. This principle requires any moral judgements about an individual to be made only in cases where they were in control of their actions. The problem of moral luck arises because many moral judgements appear to contradict the Control Principle.

My aims in this work are two-fold. First, I disambiguate concepts of luck and moral luck by conceptualising both in light of a Hybrid Account of Luck (HAL). In order to understand moral luck, the concept of luck itself needs to be understood. I begin by distinguishing luck from similar concepts and go on to defend a particular version of HAL that can be adapted to identify genuine cases of moral luck.

Second, I propose a possible solution to the problem of moral luck based primarily on a critique of some of Nagel’s basic presuppositions regarding the issue in conjunction with a defence of Terence Irwin’s interpretation of Aristotle’s complex theory of moral responsibility. By giving a number of examples, I hope to establish that there is circumstantial moral luck and resultant moral luck, and that Aristotle’s conditions for moral responsibility can provide an adequate justification for praise and blame in these cases.

Acknowledgements

I would like to thank my supervisors to whom I am greatly indebted. My principal supervisor Antony Hatzistavrou has overseen my project throughout nearly all of this process. His patience in reading countless written drafts and subsequent guidance on my work has been invaluable. I cannot overstate how much his advice has helped me to develop my ideas and strengthen the argument of the overall thesis. Nick Zangwill has also offered plenty of encouragement. His knowledge and recommendations have significantly improved the quality of my written work. On top of that, Suzanne Uniacke provided me with some much needed direction in the very early stages of this process. The combined input of my supervisors has helped me to think more carefully about the issues discussed. Of course, it goes without saying that any shortcomings remaining are entirely my own responsibility.

In addition, I would like to thank the terrific staff members at the University of Hull. I would especially like to thank Dawn Wilson for her help and encouragement throughout my time as a PhD student and Noel O'Sullivan for helping me to prepare for the viva voce. Being a graduate student means that many university friends routinely come and go, I hoped to do my best in listing those whose friendship and academic input has helped to shape my thesis and enhance my time at university. Unfortunately, I cannot list each person here without dedicating too much space. Though, I would like to make special mention of James Silverwood, who never failed to make me smile. His comfort and reassurance helped me through

the highs and lows of the process and, as a result, I shall always look back on my experience as a PhD student with positivity and fond memories.

Fiona Ritchie, Jeremy Moulton, and my other office friends have made working on the thesis fun and enjoyable. I am particularly thankful for Fiona's kind offer to proofread some of this work. I have also met some brilliant people outside the University of Hull. These primarily include those students who were involved in the White Rose Philosophy Postgraduate Forum and a number of students from the University of Edinburgh. Outside of academia, my friend Charlotte Bell and I have had many lively discussions on moral luck and philosophical issues more widely.

Like many, I could not have produced this thesis without the unrelenting support from my parents. I am immensely fortunate to have been provided with a quiet place to study and their faith in me has given me the self-confidence for which I will be eternally grateful. Lastly, I would like to thank my cat Stanley who has sat by my side throughout what would have otherwise been a very isolating period of research and writing-up.

This thesis was written whilst in receipt of a PhD Studentship from the Department of Philosophy, University of Hull.

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Abbreviations and Sources

Works by Aristotle, cited by abbreviation

<i>DC</i>	<i>De Caelo</i> <i>On the Heavens</i> . Translated by William Keith Chambers Guthrie. London: William Heinemann Ltd, 1939.
<i>EE</i>	<i>Ethica Eudemia</i> <i>Eudemian Ethics</i> . Translated by Joseph Solomon, In Jonathan Barnes and Antony Kenny. <i>Aristotle's Ethics: Writings from the Complete Works</i> , Princeton: Princeton University Press: 23-206, 2014.
<i>EN</i>	<i>Ethica Nicomachea</i> <i>Nicomachean Ethics</i> . 2 nd edition, Translated by Terence Irwin. Cambridge: Hackett Publishing Company, 1999.
<i>MM</i>	<i>Magna Moralia</i> <i>Magna Moralia</i> . Translated by St George Stock, In Jonathan Barnes and Antony Kenny, <i>Aristotle's Ethics: Writings from the Complete Works</i> , Princeton: Princeton University Press: 373-474, 2014.
<i>Phys.</i>	<i>Physica</i> <i>Physics</i> . Translated by William Charlton, In <i>Aristotle's Physics Books I and II</i> , John Lloyd Ackrill (ed.), Oxford: Clarendon Press, 1970.
<i>Rhet.</i>	<i>Ars Rhetorica</i>

The “Art” of Rhetoric. Translated by John Henry Freese. London:
William Heinemann, 1926.

Bekker numbers are the standard form to reference Aristotle’s works. They are based on the page numbers used in Immanuel Bekker’s Prussian Academy of Sciences edition of the complete works of Aristotle (*Aristotelis Opera edidit Academia Regia Borussica*) (Berlin, 1831). For example, *EN* 1099b20-25 refers to the sentence in the *Nicomachean Ethics* on lines 20-25 of column B of page 1099.

Works by Kant, cited by abbreviation

- G* *Grundlegung zur Metaphysik der Sitten*
Groundwork of the Metaphysic of Morals. 1785. Translated by
Herbert James Paton (ed.), *The Moral Law*, London: Hutchinson
University Library, 1948.
- KpV* *Krtitik der Praktischen Vernunft*
Critique of Practical Reason. 1788. Translated by Lewis White Beck,
New York: The Bobbs-Merrill Company, Inc. 1956.
- MS* *Die Metaphysik der Sitten*
The Metaphysics of Morals. 1797. Translated by Mary J Gregor (ed.),
Cambridge: Cambridge University Press, 1996.
- Rlg* *Die Religion innerhalb der Grenzen der blossen Vernunft*

Religion within the Limits of Reason Alone. 1793. Translated by Theodore Meyer Greene and John R. Silber (eds.), New York: Harper & Brothers, 1960.

VE

Vorlesungen über Ethik

Lectures on Ethics. 1775-1780. Translated by Louis Infield, London: Methuen & Co. Ltd. 1930.

The standard form to cite Kant's works refer to *Kant's gesammelte Schriften, herausgegeben von der Deutschen Akademie der Wissenschaften*, Walter de Gruyter (Berlin, 1902, 29 volumes).

Glossary

A glossary of the Aristotelian terminology used in this thesis

- action: *praxis*
- affections: *pathê*
- beautiful: *kalon*
- chance: *tuchê*
- compulsion: *anankê*
- condition: *hexis*
- continent: *enkratês*
- decision: *prohairesis*
- disposition: *hexis*
- doing well: *eu prattein*
- external force: *bia*
- external goods: *ta ektos agatha*
- fine: *kalon*
- flourishing: *eudaimonia*
- fortune: *tuchê*
- function: *ergon*
- good fortune: *eutuchia*

- happiness: *eudaimonia*
- happy: *eudaimon*
- incontinent: *akratês*
- involuntary: *akousion*
- living well: *eu zên*
- luck: *tuchê*
- origin: *archê*
- practical wisdom: *phronêsis*
- reactions: *pathe*
- state: *hexis*
- virtue: *aretê*
- voluntary: *hekousion*
- wish: *boulêsis*

Introduction

I

In this thesis I address the question of whether there is moral luck and, if so, what its impact is on the legitimacy of our judgements about moral responsibility. My argument, in brief, is that there is circumstantial moral luck and resultant moral luck and that our ascriptions of moral responsibility and praise and blame in these cases are defensible. I propose a solution to the problem of moral luck, one that is inspired by Aristotle's theory of moral responsibility. I hope to advance the debate on moral luck in four ways. First, I focus initially on a metaphysical discussion of non-normative luck. Second, I offer conceptual clarification by distinguishing the issue of whether there is moral luck from the normative issue of ascribing praise and blame to morally lucky agents. Third, I provide a critical assessment of some of Nagel's basic presuppositions regarding moral luck. Finally, I propose a solution to the problem of moral luck using certain elements of Aristotle's moral theory. Most notably, this solution draws on his notion of voluntary action and his complex theory of moral responsibility.

II

The idea that luck has no bearing on morality is motivated by the work of Immanuel Kant in the *Groundwork of the Metaphysic of Morals* (G):¹

A good will is not good because of what it effects or accomplishes – because of its fitness for attaining some proposed end: it is good through its willing alone – that is, good in itself. Considered in itself it is to be esteemed beyond comparison as far higher than anything it could ever bring about merely in order to favour some inclination or, if you like, the sum total of inclinations. Even if, by some special disfavour of destiny or by the niggardly endowment of step-motherly nature, this will is entirely lacking in power to carry out its intentions; if by its upmost effort it still accomplishes nothing, and only good will is left (not, admittedly, as a mere wish, but as the straining of every means so far as they are in our control); even then it would still shine like a jewel for its own sake as something which has its full value in itself (G, 4: 394, trans. Paton).

¹ The attempt to make morality immune to luck precedes the Kantian tradition. As Daniel Statman identifies, ‘the most famous classical doctrines that preached this idea were those of the Cynics, the Epicureans, and the Stoics’ (Statman, 1993, p. 3).

The Kantian conception of morality as immune to luck initially seems compelling. The reason is that morality is grounded in the assumption that individuals are autonomous agents, capable of making rational decisions. It seems as though we judge moral worth on this basis and not on the basis of luck. However, Bernard Williams and Thomas Nagel challenge this claim. Both originally delivered papers entitled 'Moral Luck' at a symposium of the Aristotelian Society and subsequently published them in the *Proceedings of the Aristotelian Society* in 1976. The papers were later revised by Williams in 1981 and Nagel in 1979.² Williams suggests that we favour morality because it establishes 'a dimension of decision and assessment which can hope to transcend luck' (Williams, 1993a, p. 53).³ Thus, when he introduced the term 'moral luck' he intended for it to be an oxymoron:

One's history as an agent is a web in which anything that is the product of the will is surrounded and held up and partly formed by things that are not, in such a way that reflection can go only in one of two directions: either in the direction of saying that responsible agency is a fairly superficial concept, which has a limited use in harmonizing what happens, or else that it is not a superficial concept, but that it cannot ultimately be purified (Williams, 1993a, pp. 44-45).

² All quotations refer to the revised papers. Williams' 1981 paper can be found in Statman (1993).

³ Williams defines morality as 'any scheme for regulating the relations between people that works through informal sanctions and internalized dispositions' (Williams, 1993b, p. 251).

Although Williams originally coined the term ‘moral luck’, it is Nagel’s definition that has shaped basic assumptions about the nature of the concept. He defines it as an occasion where ‘a significant aspect of what someone does depends on factors beyond his control, yet we continue to treat him in that respect as an agent of moral judgement’ (Nagel, 1979, p. 26). The paradox of moral luck arises because ‘morality’ is typically associated with the notions of control, choice, responsibility, and praise and blame, whereas ‘luck’ is typically associated with the notions of chance, unpredictability, a lack of control, and the inappropriateness of praise and blame.

Williams and Nagel argue that the legitimacy of our moral judgements can be brought into question because they appear to contradict the Control Principle. The principle maintains that ‘we are morally assessable only to the extent that what we are assessed for depends on factors under our control’ (Nelkin, 2013). Alternatively, the Control Principle can be defined in terms of its corollary: ‘two people ought not to be morally assessed differently if the only other differences between them are due to factors beyond their control’ (Ibid).

The Control Principle lends support to the intuition that it is unfair to hold someone praiseworthy or blameworthy for events lying outside of their control. For example, an individual who crashed their car into the side of a building would usually be blamed for causing the accident. However, this blame would be retracted if it was later discovered that the cause of the accident was a result of the driver suffering heart failure.

The role of moral luck is pervasive because the phenomena arise in various different ways. These are identified by Nagel as circumstantial moral luck, resultant

moral luck, constitutive moral luck, and causal moral luck (Nagel, 1979, p. 28). The ensuing examples highlight what those who believe that there is a problem of moral luck find puzzling. They argue that there is a conflict between our ordinary moral judgements in cases of moral luck and the Control Principle.

Circumstantial Moral Luck

Circumstantial moral luck arises when the circumstances in which an individual finds themselves are influenced by moral luck. Consider the scenario of ‘Pasquale’ and ‘Vanessa’. Both are equally capable of stealing money from their parents. However, the opportunity has failed to present itself, until now. Pasquale is visiting his mother and notices that she has left £200 on her cabinet. He seizes the opportunity and quickly places the money into his wallet. Owing to the luck in his circumstances, he is blamed for the theft, whereas Vanessa avoids being the object of moral judgement.

Resultant Moral Luck

Resultant moral luck arises when the outcome of an individual’s action is affected by moral luck. Consider the following scenario: two ‘boy racers’ chase each other along a busy dual carriageway having only recently passed their driving tests. Whilst approaching a roundabout they fail to give way. The first boy racer manages to negotiate his way around the roundabout without causing a collision. The second boy racer attempts a similar manoeuvre and collides with another vehicle. The boy racer survives, but the driver of the other vehicle is killed instantly. It is a matter of luck for the second boy racer that another vehicle happened to be crossing the roundabout

at the same moment in time. Nonetheless, he is blamed more severely than the first boy racer.⁴

Constitutive Moral Luck

Constitutive moral luck refers to the type of luck that influences an individual's character, personality, temperament, and disposition. Imagine that twin sisters 'Jane' and 'Florence' were raised with an identical upbringing. They shared the same toys, clothes, friends, and attended the same school. However, both were born with different personality traits. Jane is courageous by nature, while Florence is timid. Their distinct personalities and temperaments have inevitably shaped their moral characters throughout their lives.

One day, both sisters were travelling together when they noticed a mother and child trapped in a burning car. Jane bravely rescued the mother and baby, irrespective of the danger to herself. On the other hand, Florence decided that the chance of harm was too great and simply acted as a bystander to the rescue. Nagel would argue that Jane is the beneficiary of good constitutive moral luck because her moral development has been shaped by factors lying outside of her control. Similarly, he would argue that Florence is the recipient of bad constitutive moral luck. Regardless, Jane is praised for her bravery and Florence is blamed for her cowardice.

Causal Moral Luck

Causal moral luck is the type of moral luck that affects 'how one is determined by antecedent circumstances' (Nagel, 1979, p. 28). Nagel provides the least amount of

⁴ In some cases of moral luck, a person could be rewarded or legally punished for their actions or for the outcomes of such. I address the difference between moral judgements and legal judgements in 5.2.

information about this type of luck, but he does claim that questions about the existence of causal luck relate to the issue of free will. The general characterisation of causal luck is that an individual's actions are limited by the events preceding them. If there is causal moral luck and we abide by the Control Principle, it would mean that no one could justifiably be held responsible for their actions. This is because everything they do will be the result of antecedent circumstances, which lie beyond their control.

III

Williams argues that morality is destabilised by luck. He suggests that 'scepticism about the freedom of morality from luck cannot leave the concept of morality where it was' (Williams, 1993a, p. 54).⁵ As a result, the concept of morality that remains cannot be of supreme value because it cannot hope to transcend luck (Williams, 1993a, p. 52). Williams goes on to find inspiration by examining the work of Aristotle. He suggests that we should care about ethics, as opposed to morality, because ethics relates to general questions about how we ought to live (Williams, 1993b, p. 252).⁶ Martha Nussbaum, in her book entitled *The Fragility of Goodness*, similarly highlights the benefits of adopting an Aristotelian virtue-centred approach.

In contrast, Nagel chooses not to favour a system of ethics. He gives preferentiality to two key features of morality, which are 'that there cannot be any

⁵ Williams argues that moral luck is a problem for morality in general and not just a problem for the Kantian conception of morality (Williams, 1993a, p. 37).

⁶ For Williams, morality is a 'local species of the ethical' (Williams, 1993b, p. 252). He favours a system of ethics because he believes that morality should be reserved for 'the local system of ideas that particularly emphasizes a resistance to luck' (Williams, 1993b, p. 251).

moral justification that is not a justification of oneself to others, and that one cannot be held morally responsible for and blameworthy for results that occurred without one having contributed anything to their occurrence' (Statman, 1993, p. 10). Even so, he agrees with Williams that morality is destabilised by luck because we continue to ascribe moral value partly on the basis of luck, which renders our moral conceptual scheme incoherent.

In summary, Williams believes that there is hope for Aristotelianism, whereas Nagel believes that the problem of moral luck has no solution. I side with Williams that we should appeal to the works of Aristotle for a solution to the problem of moral luck. Furthermore, I seek to make evident that Nagel's account of moral luck is defective in a number of ways. First, I argue that his account is flawed because he supports a Lack of Control Account of Luck, which is not sufficient to distinguish between lucky and non-lucky events. Second, his definition of moral luck is unsatisfactory because it could lead to ambiguity between the question of whether or not moral luck exists, which is a non-normative issue, and the problem of moral luck, which is a normative issue relating to the justifiability of moral judgement. Finally, the problem of moral luck appears to be more of a difficulty than it really is owing to his assumptions regarding the Control Principle and the nature of morality.

IV

This section provides an outline of the exposition of this thesis. In Chapter One I begin by discussing the general nature of luck and comparing it to the similar concepts of fortune and chance. Definitions of each will clarify and disambiguate

these different notions. A brief typology of luck then paves the way to a more detailed discussion in Chapters Two and Three. Finally, I argue that Nathan Ballantyne's account of significance should form part of the necessary conditions for luck.

I discuss the other necessary conditions that are required in a comprehensive account of luck in Chapter Two. The principal focus is on the two prevalent accounts in the literature: The Lack of Control Account of Luck and the Modal Account of Luck. Both accounts are unable appropriately to distinguish between a lucky and non-lucky event. However, they can be combined to create a Hybrid Account of Luck (HAL). HAL elucidates how luck arises in the limited forms of resultant luck and circumstantial luck. As a consequence, cases typically associated with constitutive luck should instead be understood in terms of constitutive fortune.

An exploration of the concept of moral luck indicates its nature and leads to a more detailed characterisation in Chapter Three. The concept of moral luck is also distinguished from the concept of plain luck. The key issue addressed in this chapter is the development of a formula for moral luck by amending the significance condition of HAL to capture morally significant events.

In Chapter Four I build on this previous metaphysical discussion to address the practical implications of moral luck. In sum, I argue that the problem of moral luck is the problem of whether, given that moral luck exists, we are justified in ascribing moral responsibility and praising or blaming morally lucky agents.⁷ Specifically, it is a problem concerning the justifiability of our moral judgements about adult humans. The problem of moral luck is also partly attributable to Nagel's

⁷ I identify a 'morally lucky agent' as an individual who is the object of either good or bad circumstantial moral luck or resultant moral luck.

ambiguous definition of moral luck. I go on to cite a range of examples that show the specific challenges posed by circumstantial moral luck and resultant moral luck.

In Chapter Five I criticise three of Nagel's basic presuppositions regarding moral luck. First, I show that Nagel understands control in terms of 'regressive control', which is not necessary for moral responsibility. Second, in his analysis of cases Nagel partly attributes the problem of moral luck to the discrepancies found between people's legal liabilities. I argue in contrast that disparities in legal punishments are unrelated to justificatory issues of moral judgement. Third, Nagel assumes the plausibility of Kant's account of morality, but morality can be thought of in an Aristotelian sense too. Accordingly, ascriptions of praise and blame can be indicative of virtuous and vicious characters and do not have to take the form of comparative judgemental exercises involving the notions of reward and punishment.

I go on to draw attention to the orthodox interpretation of Kant's moral theory in Chapter Six to show that this is not an entirely accurate depiction of his account of morality. I then give an overview of the problems associated with his conception of morality, which make clear that a solution to the problem of moral luck inspired by Aristotle will be more convincing. This chapter provides a prelude to my overall argument that Aristotle's moral theory should be preferred because it offers justification for our ascriptions of moral praise and blame in cases of moral luck.

In Chapter Seven I draw on current debates in the literature and on an exegesis of Aristotle's texts to help determine his position on luck. In contrast to Kant, Aristotle's theory of happiness provides an appreciation of the role of luck in human life. Human beings are vulnerable to luck, which is a necessary and valuable

feature of human life. Nonetheless, there is a different side of the human condition, which views human beings as rational agents, capable of reason and choice.

As the discussion in Chapter Eight makes evident, Aristotle's theory of voluntary action can help to provide a convincing philosophical account of responsibility that can justify our ascriptions of moral praise and blame. In his article entitled 'Reason and Responsibility in Aristotle', Irwin contends that Aristotle can be understood as having both a simple theory and complex theory of responsibility. I primarily focus on a discussion of the complex theory, which provides the conceptual and theoretical material to solve the problem of moral luck.

In Chapter Nine I contribute a summary of my solution to the problem of moral luck. In particular, I argue that Terence Irwin's interpretation of Aristotle's complex theory of moral responsibility should be preferred to his simple theory. I am dedicated to showing that, despite initial appearances, the paradigmatic examples of circumstantial moral luck and resultant moral luck cited in Chapter Four do not pose a difficulty for morality. The reason is that moral judgements of praise and blame are defensible in these cases. This defence relies primarily on the application of Aristotle's complex theory of moral responsibility.

In Chapter Ten I refer back to a previous discussion of constitutive fortune and HAL to argue that cases typically identified as constitutive moral luck should instead be understood in terms of constitutive moral fortune. To help elucidate the specific challenges posed by moral fortune, I cite a number of examples. Finally, I examine the ways in which the work of Aristotle can be used to show that, in similarity to circumstantial moral luck and resultant moral luck, paradigmatic examples of constitutive moral fortune do not pose a difficulty for morality. To be

specific, I determine the appropriate candidates for praise and blame based on the distinction that Aristotle makes between natural virtue and vice and true virtue and vice. I also reveal how the complex theory can account for the moral responsibility of those affected by constitutive moral fortune.

1

Introducing Luck: Some Initial Distinctions

Contents

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The literature on moral luck is sometimes ambiguous about the relationship between ‘luck’, ‘fortune’, and ‘chance’. This ambiguity typically occurs when these terms are used interchangeably or left unclarified. An appropriate way to distinguish luck from comparable concepts is to extricate its defining features through the citing of a number of examples of paradigmatic cases. The concept of luck can then be further elucidated by virtue of a discussion of the various classifications of luck.

An essential feature of a lucky event is that the event must be of significance to the agent.⁸ For this reason, the term ‘significance’ needs further clarification. In this chapter I argue that Ballantyne puts forward a convincing account of significance, which captures our intuitions surrounding luck. Furthermore, Ballantyne addresses the limitations of alternative accounts of significance put forth by E J Coffman, Duncan Pritchard, and Nicholas Rescher, which I return to in detail towards the end of this discussion.

1.1 Luck and Similar Concepts

In this thesis, an overarching aim is to assess the impact of circumstantial moral luck and resultant moral luck on moral responsibility.⁹ I believe that the concept of moral luck can be better understood by thinking about luck in a non-moral sense. This chapter provides a substantial first step in gleaning an understanding of plain luck. I

⁸ To clarify, luck is understood in terms of the relation between an individual and an event. An ‘event’ simply refers to an occurrence or something that takes place and a ‘lucky event’ refers to an event that meets the criteria for luck. The phrase ‘lucky individuals’ refers to specific individuals or groups of individuals who are the objects of a lucky event. I exclude a discussion of superstitious luck or of so-called ‘lucky objects’ in this thesis.

⁹ A discussion of moral luck in the literature tends to focus on resultant moral luck and circumstantial moral luck. For example, see Williams (1993a) and Nagel (1979).

later advance this work in Chapter Two by developing an account of luck that can distinguish a lucky event from a non-lucky event.¹⁰ An appropriate place to begin the discussion is through the examination of a number of archetypal examples that are ordinarily attributable to luck:

- (1) You purchase a National Lottery ticket from a local supermarket. The numbers drawn match those on your ticket and you win the jackpot.
- (2) An amateur tennis player is competing against a professional player in a tennis tournament. The professional player pulls a ligament during the match and, as a result, the amateur player wins the competition.
- (3) Jack is randomly selected to form part of a quiz team, but he lacks the knowledge to do well. By chance, the other members of his team happen to be exceptionally knowledgeable and go on to win the monetary prize. Jack claims an equal share of the prize, despite failing to contribute to the team's success.
- (4) Subsequent to winning the prize, Jack is handed a cheque. He is walking to his car when an unexpectedly strong gust of wind blows the cheque out of his grasp and into a nearby river. The cheque is lost and Jack is unable to procure a replacement.

¹⁰ A non-lucky event arises if and only if (iff) the event was not due to luck.

I take it to be uncontroversial that luck features in all four of these examples. More specifically, examples one to three are instances of good luck. The first example features a lottery win, which is a paradigmatic case of good luck. Assuming that the lottery win is fair, it can be referred to as ‘the purest case of luck there is’ (Riggs, 2007, p. 333). In the second example, luck works to the amateur tennis player’s favour. It is a matter of good luck that his opponent sustains an injury during the match. Jack also benefits from good luck in the third example. He is lucky that his teammates are not hindered by his incompetence. The fourth example differs from the previous cases because the agent is the recipient of bad luck. Luck works to Jack’s disadvantage because he suffers a financial loss when his cheque is blown away due to unpredictable and adverse weather conditions.

All of the examples above have three noteworthy features in common. First, they are all objectively of significance to the agent because luck either works to their advantage or disadvantage. They either benefit or suffer some kind of loss owing to the event in question. For instance, you benefit from winning the lottery because it provides you with financial stability. The tennis player benefits from his opponent’s injury because it meant that he could go on to win the match. Jack financially benefits from his knowledgeable team members, but then goes on to suffer a loss when his cheque is blown away in the wind.

Second, none of the events are counterfactually robust. This means that they would fail to occur in a wide class of nearby possible worlds where the relevant initial conditions are the same as in the actual world.¹¹ You win the lottery in the actual world, but in many nearby possible worlds you would be tearing your ticket up

¹¹ These types of events could otherwise be described in terms of abnormality.

in disappointment. The amateur tennis player wins the match in the actual world, but in many nearby possible worlds they would be commiserating their loss. Jack wins the prize and loses his cheque in the actual world, but in many nearby possible worlds he would not have won the quiz in the first instance.

Third, the agent lacks control over the event or its outcome. In the examples cited, you lack control because you do not know which numbers will be drawn in the lottery, the tennis player lacks control over their win because their opponent's injury is something that occurs unexpectedly, and Jack lacks control because he is unable to choose his fellow team members. Jack also lacks control in the final example because he cannot govern the weather. Ergo, all of these features of luck can be summarised in terms of the following three conditions:

- (1) **The significance condition:** The event must be of significance to the agent.
- (2) **The modal condition:** The event must occur in the actual world but fail to occur in a wide class of the nearest possible worlds where the relevant initial conditions for that event are the same as in the actual world.
- (3) **The lack of control condition:** The agent must lack control over the occurrence of the event.

In Chapter Two I provide a defence of the Hybrid Account of Luck, which combines all of these conditions to create the necessary and sufficient conditions for luck. Prior

to doing so, I will focus on a discussion of the significance condition in 1.3.¹² Though, for the purpose of the present discussion, these conditions can be used to distinguish luck from comparable terms.

1.1.1 Luck, Fortune, and Chance

Daniel Dennett believes that luck is ‘a treacherous concept that lures us into many traps’ (Dennett, 1984, p. 81). Owing to some confusion in the literature between the definitions of luck, fortune, and chance, Dennett’s assertion appears to be justified. However, there is a plausible distinction between each of these concepts, which is why a definition of luck that can distinguish it from other comparable terms needs to be established. Furthermore, distinguishing between these concepts is important because it will help to determine the genuine types of moral luck in Chapter Three.

In light of the discussion above, **a lucky event can be defined as an event that is of either positive or negative value to the agent, that lies beyond their control, and that would fail to occur in a large proportion of nearby possible worlds.**¹³ If the value of the event is positive it is a matter of good luck and the agent can be said to be lucky. On the other hand, if the value of the event is negative it is a matter of bad luck and the agent can be said to be unlucky.

In contrast, **a fortunate event can be defined as an event that is significant to the agent and that occurs outside of their control.**¹⁴ Fortune differs from luck

¹² The modal condition and lack of control condition will be discussed in Chapter Two.

¹³ ‘Significance’ refers specifically to non-moral significance. An event is significant to an agent when their general interests are affected to produce a benefit or loss. An event that would not occur in a wide class of nearby possible worlds can be identified as being non-modally robust.

¹⁴ For a different understanding of fortune see Pritchard (2014).

because it does not require an event to be non-counterfactually robust.¹⁵ For example, it would be a matter of fortune, but not luck, for someone to be born with a high degree of intelligence. Similarly, Rescher suggests that certain traits people are born with cannot be classified as lucky. He says, ‘people are not unlucky to be born timid or ill-tempered, just unfortunate’ (Rescher, 1995, pp. 28–29). The reason for this will be discussed in 2.4 and later in 10.1.

Nonetheless, fortune shares some similarities to luck because it requires a person to lack control over the event. Additionally, it requires the event to be of significance to them. If the value of the event is positive it is a matter of good fortune and the agent can be said to be fortunate, whereas if the value of the event is negative it is a matter of bad fortune and the agent can be said to be unfortunate. A chance event is unlike a lucky or fortunate event because it can be understood in terms of the probability of the event’s occurrence. Pritchard correspondingly understands chanciness in terms of its relationship to the probabilities associated with the target event (Pritchard, 2014, p. 607).¹⁶ For example, the rolling of a number one on a standard dice is chancy because there is only a one in six chance of rolling any particular number.

The relationship between luck, fortune, and chance can therefore be described in the following way: a lucky event is an event that is fortunate and would fail to occur in a large proportion of nearby possible worlds. In alternative terms, a lucky event is an event that satisfies conditions (1), (2), and (3), as discussed in 1.1. A

¹⁵ As I will discuss in 2.2, a non-counterfactually robust event is one that fails to be steady across nearby possible worlds.

¹⁶ For a different understanding of chance see Andrew Latus (2003) and Rescher (2014).

fortunate event is an event that satisfies conditions (1) and (3), and a chance event is an event that has a low probability of occurring.

Chance events are unlike lucky or fortunate events because whether or not something is a matter of chance will depend on the probability of the event occurring.¹⁷ In addition, when we call an event ‘chancy’ we do not pass judgement on whether it is significant to the agent and neither is the agent required to exercise control over the event. This means that chance events may or may not have significance. For instance, a person may or may not have a bet placed on rolling a number six on a dice. Unlike in cases of luck, then, we are not required to take a stance on whether the event is of significance to the agent. Hence, not all chance events will be lucky or fortunate.

1.2 A Typology of Luck

Having highlighted the differences between luck and other comparable terms, it can be further understood by reference to its different types. Four kinds of luck can be distinguished: circumstantial luck, resultant luck, constitutive luck, and causal luck.¹⁸

This typology is based on Nagel’s distinctions of moral luck (Nagel, 1979, p. 28).¹⁹

¹⁷ The difference between an improbable event and a non-modally robust event will be clarified in Chapter Two.

¹⁸ Steven Hales puts forth the argument that there are three other types of luck. These include: lucky necessities, skilful luck, and diachronic luck (Hales, 2014, p. 1). However, in accordance with my account, Hales is misplaced in thinking that these are genuine types of luck. For instance, consider his example of lucky necessities, which is as follows: ‘Jack the Ripper is terrorising the neighbourhood. There’s a knock on your door, which you promptly and thoughtlessly open. It is your friend Bob (who is not Jack the Ripper). Bob rolls his eyes at your carelessness and says, “You’re lucky I’m not Jack the Ripper”’ (Hales, 2014, p. 6). For the sake of example, had Bob really been Jack the Ripper we would be justified in saying that you were unlucky to have opened the door. However, it is not a matter of good luck that someone other than Jack the Ripper is at your door because the modal

Circumstantial luck

Circumstantial luck influences the circumstances in which an individual finds themselves. For example, a child who happens to reside in the catchment area of a well performing school can be described as benefitting from good circumstantial luck. On the other hand, a child who resides in the catchment area of a badly performing school can be described as suffering from bad circumstantial luck.

Resultant luck

Resultant luck arises when the outcome of an event is affected by luck. Alternatively speaking, it is luck in the way that things turn out.²⁰ Michael Zimmerman describes it as ‘luck with respect to what results from one’s decisions, actions, and omissions’ (Zimmerman, 1993, p. 219). David Enoch and Andrei Marmor address a specific feature of resultant luck, which is that it ‘typically arises in cases of risky activities’ (Enoch & Marmor, 2007, p. 416). Consider the following example of resultant luck: you frequently leave a scented candle to burn in your home while you relax in the garden. However, on this particular day the candle sets fire to a nearby curtain. In this scenario, the outcome of your action depends on the influence of luck.

Ronald Dworkin identifies two types of resultant luck: ‘option luck’ and ‘brute luck’. Option luck arises when ‘someone gains or loses from accepting an isolated risk he or she should have anticipated and might have declined’ (Dworkin,

condition is not met. Instead, we should say that you were fortunate not to have opened the door to Jack the Ripper.

¹⁹ This subsection is a preliminary discussion to 3.2, which focuses on a typology of moral luck.

²⁰ Statman asserts that resultant luck can be interpreted in a narrow sense, which refers to the causal results of actions. Alternatively, it can be interpreted more broadly to include numerous ways in which an action can be right or wrong (Statman, 1993, p. 28).

1981, p. 293).²¹ In other words, it arises when the outcome of an event is the result of an avoidable gamble. Gerald Lang gives the example of a person who places a winning bet on a horse race. He argues that they are the beneficiary of good option luck because they are lucky to win and they exercised control by choosing to place the bet (Lang, 2006, p. 44). On the other hand, brute luck arises when the outcome of an event is not the result of an avoidable gamble.

A further distinction that is relevant to resultant luck is the one that can be made between ‘intrinsic luck’ and ‘extrinsic luck’. Imagine that you are made redundant from your job as a firefighter. If your redundancy is the result of an intrinsic factor, such as your phobia of heights, it is a matter of intrinsic luck. On the contrary, if you are made redundant because of an external factor, such as funding cuts, it is a matter of external luck. In view of this, intrinsic luck can be defined as luck that is dependent on intrinsic factors and extrinsic luck can be defined as luck that is dependent on extrinsic factors (Williams, 1993a, p. 41).

Constitutive luck

Constitutive luck refers to the type of luck that influences an individual’s constitution. It is described by Nagel as ‘the kind of person you are, where this is not just a question of what you deliberately do, but of your inclinations, capacities, and temperament’ (Nagel, 1979, p. 28). In accordance with Nagel’s account, an individual born with great intelligence can be said to be the beneficiary of good constitutive luck. Alternatively, an individual who is severely lacking in a particular

²¹ For Susan Hurley, ‘lottery luck is normally a kind of luck in consequences: it is the consequence of an act of gambling that counts as a matter of good or bad luck’ (Hurley, 2003, p. 119). Therefore, the lottery win is a paradigmatic case of good option luck.

quality can be said to suffer from bad constitutive luck. However, as I will go on to argue in 2.4 and 10.1, Nagel is mistaken in his belief that an individual's constitution can be affected by luck.

Causal luck

Nagel describes causal luck as the 'luck in how one is determined by antecedent circumstances' (Ibid). Its general characterisation is that outside events can influence an individual's actions. More specifically, an action is limited by the events preceding it. As the following passage shows, Nagel equates causal moral luck largely with the problem of free will:

If one cannot be responsible for consequences of one's acts due to factors beyond one's control, or for antecedents of one's acts that are properties of temperament not subject to one's will, or for the circumstances that pose one's moral choices, then how can one be responsible even for the stripped-down acts of the will itself, if *they* are the product of antecedent circumstances outside of the will's control? The area of genuine agency, and therefore of legitimate moral judgement, seems to shrink under this scrutiny to an extensionless point. Everything seems to result from the combined influence of factors, antecedent and posterior to action, that are not within the agent's control. Since

he cannot be responsible for them, he cannot be responsible for their results (Nagel, 1979, p. 35).

If there is causal luck and we accept the idea that free will is a necessary factor for moral responsibility, the implication is that people could never be held morally responsible for their actions. I omit any further discussion relating to causal luck or causal moral luck because they specifically relate to the free will versus determinism debate. With this typology of luck in mind, I refer back to my definition of luck. To recap, luck is partly defined in terms of the event's significance to the agent involved, but it remains unclear as to how 'significance' should be understood.

1.3 Significance and Luck

In Chapter Two I will argue that the correct account of luck must feature a lack of control condition, modal condition, and significance condition. Prior to doing so, I discuss the reasons why a significance condition is necessary for luck. I also put forth a defence of Ballantyne's account of significance. As it will be shown, competing accounts of significance provided by Coffman, Pritchard, and Rescher all face criticism, whereas Ballantyne's account is able to handle a wide range of lucky cases.²²

A significance condition is required for luck because it serves three important functions. First, 'significance appropriately attaches an agent to the relevant event'

²² The discussion in this section draws heavily on Ballantyne's 2012 paper entitled 'Luck and interests'.

(Whittington, 2016, p. 1616). If an event does not affect anyone it cannot be considered lucky. For example, a severe sandstorm in a barren desert is non-lucky. Second, it captures ‘the thought that lucky events must go well or badly for the agent in question’ (Whittington, 2014, p. 663). In alternative terms, it should ‘capture the thought that a lucky event has a value attached to it for the agent involved, the significance condition should also be informative about what value that event has’ (Ibid).

Consider the scenario of someone who finds a metal item on the pavement. Having picked up the item, they realise that it is nothing more than a metal nut. This event is neither good luck nor bad luck for the individual involved because finding the nut does not positively or negatively affect them in any way. Hence, the significance condition can help to determine whether a particular event is a case of good luck or bad luck.²³ If the item found on the pavement turns out to be a platinum diamond ring, the person who finds it is affected in a positive way and so they benefit from good luck.

Third, the significance condition can measure the degree of an event’s luckiness by considering what is at stake.²⁴ An event that brings a great benefit to

²³ It is conceivable that the person does not know whether the metal item is worthless or not until they speak to a jewellery expert. In the time it takes between finding the item and visiting the expert it can be asked whether their finding of the ring is a matter of good luck or bad luck. Lee John Whittington asserts that there are two potential responses to this question. First, we may say that the value of finding the ring is neutral until its worth is established. Second, we could say that the value of finding the ring is undecided until its worth is established. The latter response seems preferable because it would be counterintuitive to allow for value neutral lucky events (Whittington, 2016, p. 1616).

²⁴ An epistemic discussion relating to pragmatic encroachment on knowledge also focuses on what is at stake. In brief, the knowledge that two people have in the same situation may be different depending on their practical circumstances. Consider two of Jason Stanley’s well-known bank case scenarios: *Low Stakes*. Hannah and her wife Sarah are driving home on a Friday afternoon. They plan to stop at the bank on the way home to deposit their paychecks. It is not important that they do so, as they have no impending bills. But as they drive past the bank, they notice that the lines inside are very long, as they often are on Friday afternoons. Realizing that it isn’t very important that their paychecks are deposited right away, Hannah says, ‘I know the bank will be open tomorrow, since I was there just

someone is luckier than an equally likely event that brings only a small benefit. Correspondingly, an event that brings a great amount of loss to an individual is unluckier than an equally likely event that brings only a small amount of loss. Thus, if the ring picked up from the pavement is valued at £1000 the person who found the item is luckier than they would have been had it only been valued at £10. This is because they would be financially better off. Therefore, the degree to which a person is lucky will differ depending on the significance of the event.

To consider a different scenario, it is possible that the lucky person who finds the £1000 ring goes on to suffer bad luck by losing it. In this case, we can say that ‘good lucky events and bad lucky events can be balanced against each other with either a neutralizing effect or an overall positive/negative effect’ (Whittington, 2016, p. 1618). Imagine further that the person is mistaken and has actually lost a different ring, which was worth only £5. In this scenario the person has benefited from good luck overall, despite being affected by one instance of good luck and one instance of bad luck. The significance condition is able to handle our intuitions because the finding of the £1000 ring is greatly beneficial to the agent, despite the loss of their less expensive ring.

two weeks ago on Saturday morning. So we can deposit our paychecks tomorrow morning.’ *High Stakes*. Hannah and her wife Sarah are driving home on a Friday afternoon. They plan to stop at the bank on the way home to deposit their paychecks. Since they have an impending bill coming due, and very little in their account, it is very important that they deposit their paychecks by Saturday. Hannah notes that she was at the bank two weeks before on a Saturday morning, and it was open. But, as Sarah points out, banks do change their hours. Hannah says, ‘I guess you’re right. I don’t know that the bank will be open tomorrow’ (Stanley, 2005, pp. 3-4). As Mark Schroeder writes, ‘you will see the allure of the pragmatic encroachment thesis, if it seems to you that it would take more evidence to ground knowledge that the bank will be open on Saturday in the High Stakes case than in the Low Stakes case’ (Schroeder, 2011, p. 267).

There is universal agreement that a person must have interests for an event to be of significance to them.²⁵ This is because a significant event must affect their interests in some way. Consider the following remark by Julia Driver:

A rock is not lucky or unlucky, although its fate is subject to chance as much as a person's or an animal's. We can consign this normative element to pragmatics. That is, our interests, our purposes, or what is good for us – these are features of the situation that will make certain factors relevant in the attributions of luck (Driver, 2013, p. 165).

The general consensus of opinion is that a lucky event produces something that is either good or bad for an individual.²⁶ This is evidenced by our usual linguistic notions, which support the idea that a lucky event is good for someone if it benefits them and that an unlucky event is bad for someone if it disadvantages them. However, it is at this point that disagreement about the nature of significance emerges.

²⁵ Arguably, certain things that lack interests can be lucky. For example, if a vase is dropped on the floor and smashes into pieces, a person might say “that is unlucky”. In response, a comment such as this most likely refers to the idea that the person who dropped the vase is unlucky. Alternatively, it could be a different way of saying that the breaking of the vase had a low probability of occurring (Ballantyne, 2012, p. 333).

²⁶ Ballantyne asserts that ‘everyone agrees that luck requires significance’ (Ballantyne, 2012, p. 320). However, Pritchard, in his most recent interpretation of the Modal Account of Luck, argues against the general consensus by denying that subjective factors can influence an event’s luckiness (Pritchard, 2014, p. 604). Wayne Riggs correspondingly argues that ‘adding a significance condition... seems to be overkill if it forces us to say that every event that is a matter of luck must be of some significance’ (Riggs, 2014, pp. 632-633).

1.3.1 Competing Accounts of Significance

The discussion so far makes it clear that significance is required for luck. As described in 1.1, the significance condition is the condition that the event must be of significance to the agent, but the concept of significance needs to be elucidated. In order to do so, I will examine a number of accounts that seek to highlight what it is that makes an event significant. The current literature draws attention to two competing accounts of significance.

The first account is provided by Rescher (1995, p. 32) and Coffman (2007, p. 388), which can be paraphrased in the proceeding way: E is of significance to individual X only if ‘(i) X is sentient and (ii) E has some objectively positive or negative effect on the mental states of X’ (Ballantyne, 2012, p. 321).²⁷ The second account is provided by Pritchard, who writes that ‘if an event is lucky, then it is an event that is significant to the agent concerned (or would be significant, were the agent to be availed of the relevant facts)’ (Pritchard, 2005, p. 132). Pritchard’s account is paraphrased by Coffman as follows: E is of significance to S only if ‘S is capable of ascribing significance to E, and would do so were S availed of E’s relevant properties (i.e., the properties of E in virtue of which it has some positive or negative effect on S)’ (Coffman, 2007, p. 386).

Throughout this discussion I refer to Coffman’s reworded account because it provides a more precise conception of Pritchard’s position. Nevertheless, it remains

²⁷ Coffman’s account specifically states that ‘S is lucky with respect to E only if (i) S is sentient and (ii) E has some objective evaluative status for S (i.e., E has some objectively good or bad, positive or negative effect on S)’ (Coffman, 2007, p. 388). Therefore, Coffman could be understood as allowing E to affect S ‘*without* thereby having an effect on X’s mental states. But then it’s less than obvious why (i) is required’ (Ballantyne, 2012, p. 321, n. 6).

unclear as to how significance is ascribed. It is also unclear as to what it would take for someone to be availed of the relevant properties of an event and so I am unable to say anything definitive about these notions. Though, some light can be shed on the modality of capability by considering what it means to be able to perform an action. Suppose that Formula One driver Lewis Hamilton is currently relaxing on a cruise liner. Given this state of affairs, it can be said that Lewis is still able to race his car, at least in some sense of the term ‘able’. In similarity to Ballantyne, I believe it is this sense of ‘able’ that Pritchard’s account of significance is alluding to (Ballantyne, 2012, p. 324).

With this clarification in mind, I begin by discussing Rescher and Coffman’s account, which is unsatisfactory because the assertion that an individual must be sentient in order to be lucky is incorrect. The following scenario, entitled ‘Wilson’s Brain’, shows that lucky events do not require a person to be sentient:

A group of rogue neuroscientists have Wilson’s name and address, among thousands of others, in their database of “involuntary research subjects”. For tonight’s operation, they’ve randomly picked Wilson. The group kidnaps Wilson while he is sleeping at home and transports him unawares to their laboratory. Once in their care, the scientists extract Wilson’s brain, plop it in a vat of nutrients, and use a computer to present him with experiences in concord with his earlier life. Poor Wilson can’t discern any difference between his

pre-surgery experiences and those stimulated in the laboratory. He doesn't suspect that his present experiences are unconnected with the real world (Ballantyne, 2012, p. 321).

'Wilson's Brain' challenges the account of significance provided by Rescher and Coffman in two ways. First, it shows that Wilson's interior life is not negatively affected by bad luck, despite their belief that 'unlucky events induce suffering, sorrow, anguish or somehow downgrade a better state' (Ballantyne, 2012, p. 322).²⁸ If the scientists are able to ensure that Wilson's experiences are identical to what his experiences would have been had he not been kidnapped, his interior life would remain the same regardless of the experiment. Therefore, this is a problem for their account because it assumes that bad luck affects the interior lives of individuals.²⁹

Second, it challenges Coffman's assumption that 'the good or bad effects in virtue of which an event is lucky must have some discernable impact on the individual's interior life - in brief, such effects "leave a trace"' (Ibid). The kidnapping leaves no discernible trace on Wilson's interior life, but he is the victim of bad luck because 'the event in question has negative effects for him. For one, his relationships and goals in the real world come to a close. For another, he loses his body' (Ibid).

²⁸ Likewise, good luck would affect someone's interior life by creating positive feelings, such as happiness and contentment.

²⁹ This assumption is evidenced by the part of the account provided by Rescher and Coffman that requires the event to have an objectively positive or negative effect on the agent's mental states.

‘Wilson’s Brain’ also illuminates a further point, which is that ‘facts about luck don’t always ‘track’ facts about individuals’ interior lives’ (Ibid). As a case in point, Rebecca is addicted to smoking crack cocaine and desires another ‘fix’. At the mercy of an unscrupulous drug dealer, Rebecca is given some powder that she believes to be cocaine. However, she has actually been provided with a powder consisting solely of sugar, starch, and benzocaine. Rebecca does not realise it, but her history of drug abuse has led to a serious problem with her heart. This problem is so serious that if she takes any more cocaine she could suffer a fatal heart attack. Having been provided with this information, we are likely to think that Rebecca is lucky to have been given something other than cocaine by her drug dealer. This example makes it evident that luck cannot depend on the satisfaction of desires because her desire for crack cocaine remains unfulfilled. Rather, she is lucky because it is not in her interest to suffer a heart attack.

At this point a distinction between desires and needs can be made. Rebecca desires cocaine because she is addicted to the substance, but the needs of her body are different. Thus, her desires and needs clash because she has an *interest in* taking the drug (subjective), despite it being *in her interest* to be healthy (objective).³⁰ To clarify, subjective interests ‘are associated with mental states like desires, preferences, and consciously adopted goals. Objective interests are often tied to health or proper biological function; and they’re the sorts of interests some people say we have in leading a life that includes knowledge or friendship’ (Ballantyne, 2012, p. 331).

³⁰ In contrast, something could be in a person’s interest (objective) without that person taking an interest in it (subjective) (Ballantyne, 2012, p. 331).

As the above example makes evident, subjective and objective interests can clash. What is more, an individual's subjective and objective interests can be affected by luck. Bearing this in mind, Rescher and Coffman can be criticised because they are solely committed to an account of subjective interests.³¹ This is evidenced by their references to the mental states of individuals. They do not mention the influence of luck on objective interests.

An account of significance that handles subjective and objective interests should therefore be sought because it is a mistake to assume that luck affects subjective interests only. Though, prior to establishing such a theory, Pritchard's account of significance should be examined.³² Pritchard's theory is interesting because it makes no mention of interests.³³ Instead, it focuses on a person's capacity to ascribe significance to events.³⁴

Wilson's Brain does not pose a problem for Pritchard's account because, assuming that he is apprised of the relevant details, Wilson would be capable of ascribing significance to the kidnapping.³⁵ Nevertheless, his account can be criticised because it is unable to handle a variety of cases of luck. These specifically involve

³¹ Latus (2003) also appears to take a subjective approach.

³² Pritchard's account is endorsed by Riggs (2007).

³³ Ballantyne suggests that Pritchard's account of significance is comparable to 'informed desire' accounts of interests, which is where an individual's interests are what they would want if they were fully informed and rational (Ballantyne, 2012, p. 321).

³⁴ Pritchard's account is compatible with cases of luck 'where an individual's objective interests are at issue' (Ballantyne, 2012, p. 324).

³⁵ Pritchard is committed to Constructivism about luck, whereas Rescher and Coffman are advocates of Realism. To clarify, Realism is the view that 'truths about luck obtain independently of any subject's standpoint in the sense that luck-facts don't obtain by virtue of an ascription of significance by an actual or possible subject. Roughly, a subject actually or counterfactually ascribing significance to an event isn't what determines truth about luck' (Ballantyne, 2012, p. 327). In contrast, Constructivism is the view that 'truths about luck depend upon a subject's standpoint in the sense that luck-facts obtain only in virtue of an ascription of significance by an actual or possible subject. Roughly, a subject actually or counterfactually ascribing significance to an event is what determines the truth about luck' (Ibid).

instances where a person affected by luck has objective interests but is unable to ascribe significance to the event.³⁶

Imagine that one hundred passengers were travelling on a plane when sudden engine failure caused it to crash. With the exception of one baby who has since remained in a coma, all of the passengers were killed. It can be said with confidence that the baby is lucky to have survived the accident, but Pritchard fails to capture this intuition. In accordance with Pritchard's account, the baby is non-lucky because she lacks the capacity to ascribe significance to the event. Furthermore, it would not be feasible to apprise her of the relevant facts regarding the case.

In response, it might be argued that a 'rational observer' could ascribe significance to the event on behalf of the baby.³⁷ Though, to ascribe significance on behalf of another a rational observer would need to ascertain what it is that makes someone the suitable object of luck. In order to do so, it is conceivable that they would appeal to an account of objective interests. However, this would amount to the recognition that it is the baby's interests which are important. This means that interests would be attributed to the baby in the first place and so 'the activity of ascribing significance to events adds nothing new' (Ballantyne, 2012, p. 330).³⁸ Pritchard's account is therefore unable to be saved.³⁹

³⁶ A further problem with Pritchard's account is that people can 'mistakenly believe that something has or lacks value to them... Thus, even though it is a *subjective* matter what we consider to be cases of luck, it is *not* a subjective matter what *are* in fact cases of luck' (Peels, 2015, p. 79).

³⁷ A rational observer could otherwise be described as a 'bystander' or 'ideal observer'.

³⁸ A Euthyphro-esque question can also be asked. For instance, Ballantyne wonders whether an event is 'significant because bystanders ascribe it significance' (Ballantyne, 2012, p. 330). Alternatively, he wonders whether an event is 'ascribed significance by bystanders because it is significant' (Ibid).

³⁹ A further problem with Pritchard's account is raised by Ballantyne. He considers the scenario of two different people being availed of the relevant facts surrounding an event, but who disagree about whether or not significance should be ascribed to the case (Ballantyne, 2012, p. 327).

1.3.2 Significance and Interests

With a view to overcoming the objections outlined above, Ballantyne proposes a new account of significance, which can be understood in the following way: **E is of significance to X only if ‘(i) X has an interest N and (ii) E has some objectively positive or negative effect on N (in the sense that E is good for or bad for X)’** (Ballantyne, 2012, p. 331). His account captures our intuition that individuals with interests are lucky because of luck’s impact on those interests.⁴⁰ Hence, an avid football fan who places a large bet on his team winning a forthcoming match will suffer bad luck if his team loses. The reason is that his interest in earning money will be disappointed by losing the bet. On the other hand, if his team wins he will benefit from good luck because his interest in earning money will be advanced.

On Ballantyne’s account, ‘interests’ are inclusive of subjective and objective interests. As a consequence, his account is able to account for cases where objective interests conflict with subjective interests. Consider the following example: Aimee wishes to become an Olympic figure skater. She knows that figure skaters need to maintain their athleticism and so she desires to stay physically active. Notwithstanding her good intentions, Aimee discovers that she has inherited a heart condition, which would be particularly dangerous if she were to physically exert

⁴⁰ Ballantyne proposes a slightly different variation of this account in an earlier paper when he remarks that, ‘in order for an event to be significant for someone, she must have interests or welfare: if an event is lucky (or unlucky) for her, then it is somehow good for (or bad for) her’ (Ballantyne, 2011, p. 488).

herself. In view of this, her subjective interest in being a figure skater conflicts with her objective interest in retaining good health.⁴¹

Ballantyne's account handles cases with conflicting interests, which means that 'a single event can be both good *and* bad luck for one individual... common talk of "mixed blessings" reflects this truth about luck' (Ibid). In addition, an event can be good luck for one individual and bad luck for another. To illustrate, it is bad luck for the professional tennis player to pull a ligament during a match, but it is good luck for their amateur opponent because it gives them a chance to win the game.⁴²

What is more, Ballantyne's account allows for the idea that an event can be lucky in cases where its significance goes unrecognised. For that reason, everyone has the potential to be influenced by luck, regardless of their mental or physical capacities. Subsequently, an event's luckiness cannot be determined based on whether an individual believes themselves to be lucky or unlucky. An event can also be lucky in cases where its significance is not immediately apparent or in cases where its significance goes unacknowledged until a later date.

Imagine that you are organising paperwork when you find a misplaced lottery ticket that you purchased over five months ago. You enter the ticket's details online and discover that you have won the jackpot. Despite being unaware of your success at the immediate time of the draw, it is justifiable to say that you were lucky five

⁴¹ A person could believe that something is in their interest when in fact it is not. For example, an individual may avoid taking their prescription medication based on a scaremongering story that they have read online. In this case, ignoring the advice of a qualified doctor will have an objectively negative effect on their interests, in spite of their beliefs to the contrary.

⁴² When a person's interests clash, the details of the example should be examined to determine how much luck there is. These details will also help to determine which interest is 'the salient one for making the event a matter of (good or bad) luck' (Ballantyne, 2012, p. 331).

months ago. This is because the luck was located at the time of the draw, even though its significance was not recognised until a later date.

It may be argued in opposition that you are only lucky at the time of discovering your win. However, this line of reasoning would commit us to the same position held by proponents of subjective significance, which is that an event is only lucky when its significance is recognised by the individual involved. The consequence of this would be that anyone who is incapable of personally assigning significance to an event cannot be lucky or unlucky. In addition, it would mean that a lucky event which is not immediately recognised as being lucky would fail to be lucky until its significance is acknowledged. Yet, there are many examples of luck which show that this is not the case.

By way of illustration, suppose that you narrowly avoid a fatal collision with a lorry, but you only discover your near miss when you review the incident on CCTV. In this scenario, the luck is located at the immediate time of the incident. It would be absurd to say that you are lucky only at the time of reviewing the footage. A lucky event transpires at the time of its actual occurrence, as opposed to a person's realisation of its luckiness.

Ballantyne's account also reaches the correct verdict in more usual cases of luck. Reconsider the scenario involving the baby who survived a serious aviation accident. Surviving is a matter of good luck for the baby because it is in her interest to live a long and happy life. It is for these reasons that Ballantyne puts forward a convincing account of significance, which captures our intuitions and overcomes the problems associated with rival theories. His account should therefore form the

significance condition for luck, which is a necessary but insufficient condition.⁴³

Given this, the discussion in the ensuing chapter will expand on the other necessary conditions for luck in order to formulate and defend a Hybrid Account of Luck.

⁴³ Clearly, not all significant events are lucky. The successful completion of a degree is significant to a student. Yet, this is achieved through hard work, as opposed to luck.

2

An Account of Luck

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By examining the concept of luck, I aim to provide significant insight into its necessary and sufficient conditions. The principal focus of this chapter will be a critique of the two prevalent accounts of luck in the literature: The Lack of Control Account of Luck (LCAL) and the Modal Account of Luck (MAL). Both of which can be summarised as follows:⁴⁴

The Lack of Control Account of Luck:

S is lucky that E if and only if (iff):

- (a) E is significant to S.
- (b) S lacks control over E's occurrence.

The Modal Account of Luck:

S is lucky that E iff:

- (a) E is significant to S.
- (b) The event occurs in the actual world but does not occur in a wide class of the nearest possible worlds where the relevant initial conditions for that event are the same as in the actual world.

I argue that both accounts of luck are inadequate at appropriately distinguishing lucky events from non-lucky events. Nonetheless, the conditions that LCAL and MAL are composed of can be brought together to create a Hybrid Account of Luck

⁴⁴ Proponents of LCAL and MAL may advocate slightly varied or amended versions of these conditions.

(HAL). I develop a new version of HAL, which combines the lack of control condition and modal condition in conjunction with Ballantyne's significance condition. The particular version of HAL that I endorse should be preferred to LCAL, MAL, and other variations of HAL for a number of reasons. First, it complements our linguistic intuitions about luck. Second, it minimises the misidentification of lucky events as non-lucky and non-lucky events as lucky. Third, it distinguishes lucky events from fortunate or chancy events.

Considerations relating to the nature of luck provide the conceptual background to the discussion in the subsequent chapter, which concerns moral luck. These considerations are important because, until recently, the development of a philosophical account of luck has been neglected in favour of discussions pertaining to egalitarian luck, epistemic luck, and moral luck. Commentators on egalitarian luck ask questions about distributive justice. For instance, Gerald Cohen contemplates whether the poor should be compensated for their bad luck of being born in a poor country (Cohen, 1989, p. 908). On the other hand, commentators on epistemic luck tend to focus on Edmund Gettier's paper entitled 'Is Justified True Belief Knowledge?' in which he examines the seeming incompatibility between luck and knowledge. For example, someone may believe a proposition that happens to be true. However, philosophical questions could be raised regarding whether or not their belief counts as knowledge. This would especially be the case if their reason for believing the proposition rests on a faulty assumption or lucky guess.

Pritchard highlights the 'seemingly universal intuition that *knowledge excludes luck*, or, to put in another way, that the *epistemic luck* that sometimes enables one to have true beliefs (and sometimes even fully justified true beliefs) is

incompatible with knowledge’ (Pritchard, 2005, p. 1). Commentators on moral luck, as previously mentioned, also ask questions about the seeming incompatibility between luck and morality. There appears to be disharmony between these two concepts because luck is typically associated with chance and a lack of control, whereas morality is typically associated with choice and control.

In spite of these considerations, there has been a limited discussion of luck itself. One exception is Rescher’s book entitled *Luck: The Brilliant Randomness of Everyday Life*. However, as it is recognised by Pritchard, Rescher’s ‘work is not a philosophical work in the way that we would ordinarily understand that description’ (Pritchard, 2014, p. 595, n. 2). Contemporary philosophical discussions of luck therefore have a tendency to be of limited focus because they usually relate to egalitarian luck, epistemic luck, legal luck or moral luck, with little emphasis on the nature of luck itself. Neil Levy affirms that ‘luck itself—as opposed to problems centred around luck—has rarely been focused on’ (Levy, 2011, p. 11). This is an oversight because the development of an adequate account of luck will benefit fundamental debates on egalitarianism, epistemology, and on morality in particular.

2.1 The Lack of Control Account of Luck

Bearing in mind the distinction made between luck and fortune in 1.1.1, I believe that LCAL actually provides an account of fortune rather than luck. Nonetheless, for the sake of brevity I will continue to discuss LCAL as it is ordinarily understood to highlight its weaknesses as an account of luck. To recap, LCAL is as follows:

S is lucky that E iff:

- (a) E is significant to S.
- (b) S lacks control over E's occurrence.

Throughout the literature on luck and moral luck, it is frequently taken for granted that lucky events are those which meet the criteria for LCAL.⁴⁵ For instance, reconsider Nagel's definition of moral luck: 'where a significant aspect of what someone does depends on factors beyond his control, yet we continue to treat him in that respect as an object of moral judgment, it can be called moral luck' (Nagel, 1979, p. 26). Nagel does not examine the nature of luck, but appears to favour a version of LCAL.

At the outset, LCAL appears to be plausible. The reason your lottery win is lucky seems to be because the win is of significance to you and you lacked control over which numbers were going to be drawn. This intuition is supported by the idea that we would no longer attribute your win to luck if we discovered that you had exercised control over the draw, through 'fixing' it, for example. As a consequence, it is instinctive to think about luck in terms of a person's lack of control over an event.

Proponents of LCAL endorse the lack of control condition, which is the idea that 'an event is lucky for you only if the event is beyond your control' (Coffman, 2009, p. 499).⁴⁶ In light of how we understand LCAL, there are two primary

⁴⁵ See Claudia Card (1990), Margaret Urban Coyne (1985), Levy (2011), Adrian Moore (1990), Statman (1991), and Zimmerman (1993).

⁴⁶ Riggs proposes a different version of LCAL, which proceeds as follows:
'E is lucky for S iff;

objections to the account. These objections identify the insufficiency of the lack of control condition. The first is known as the ‘sunrise problem’ and was originally raised by Andrew Latus (2000). The second arises from Jennifer Lackey’s denunciation of LCAL.

The sunrise problem suggests that if we define a lucky event as any event that is outside of our control we could fail to understand that not all events outside of our control are not necessarily lucky. Putting the same thing slightly differently, the sunrise problem demonstrates that such definitions of luck could identify the sun rising each day as a lucky event simply because its occurrence lies beyond any individual’s control. Clearly, the break of day is not ordinarily regarded as a lucky event and so the sunrise problem effectively disproves the sufficiency, although not the necessity, of the lack of control condition.⁴⁷

The second objection is proposed by Lackey, who suggests that the lack of control condition is both insufficient and unnecessary for luck (Lackey, 2008, p. 256). Lackey develops a formula that she believes produces counterexamples to LCAL. Her formula is constituted of three methodological steps. First, she tells us to ‘choose an event over which an agent clearly has sufficient control... Second, construct a case in which such control was almost interrupted by factors unknown to all of the parties involved. Third, ensure that the control is not in fact interrupted through a combination of purely coincidental and unlikely features’ (Lackey, 2008,

(a) E is (too far) out of S’s control, and
(b) S did not successfully exploit E for some purpose, and
(c) E is significant to S (or would be significant, were S to be availed of the relevant facts)’ (Riggs 2009, p. 220).

⁴⁷ Joseph Milburn attempts to make LCAL more attractive by advocating ‘an account of subject-involving luck, i.e., filling in the right-hand side of this biconditional: it is a matter of luck that S ϕ s iff _____’ (Milburn, 2014, p. 578). However, a problem with subject-involving luck is that it does not include a significance condition.

p. 259). This formula is used in an attempt to show that some events can be riddled with luck, yet remain within a person's control. Based on the above formula, Lackey gives an example entitled 'Demolition Worker' (DW) to try to undermine the necessity of the lack of control condition for luck:

Ramona is a demolition worker, about to press a button that will blow up an old abandoned warehouse, thereby completing a project that she and her co-workers have been working on for several weeks. Unbeknownst to her, however, a mouse had chewed through the relevant wires in the construction office an hour earlier, severing the connection between the button and the explosives. But as Ramona is about to press the button, her co-worker hangs his jacket on a nail in the precise location of the severed wires, which radically deviates from his usual routine of hanging his clothes in the office closet. As it happens, the hanger on which the jacket is hanging is made of metal, and it enables the electrical current to pass through the damaged wires just as Ramona presses the button and demolishes the warehouse (Lackey, 2008, p. 258).

Lackey argues that the demolition of the building is lucky even though Ramona controlled the event by pushing the button that caused the explosion. For Lackey, the

event is lucky because the worker happened to position his jacket both at the precise location of the damaged wire and at the critical time. Her argument relies on the assumption that the luck in DW is located at the time that Ramona presses the button and causes the ensuing destruction of the building. However, Levy suggests that she mislocates the luck in DW.

Levy argues that the demolition of the warehouse is non-lucky because the luck in DW is actually located at the time of the coat peg reconnecting the wire, which was prior to Ramona's pressing of the button. Ramona cannot inherit that luck because 'actions that rely upon luckily satisfied causal circumstances do not inherit that luck from the circumstances' (Levy, 2011, p. 23). As Rik Peels clarifies:

Her blowing up the warehouse is under her control, but it is *not* a case of luck. The underlying point here is that not everything that is made possible by a lucky event is itself a lucky event... if Ramona is lucky that she is in a situation in which she can blow up the warehouse, it does not follow that her blowing up the warehouse is a lucky event (Peels, 2015, p. 79).

Coffman correspondingly argues that Ramona's demolition is non-lucky. He argues that, 'whoever finds it obvious that Ramona was lucky to explode the building would seem to be confusing the explosion itself with Ramona's becoming free to cause the

explosion' (Coffman, 2009, p. 502).⁴⁸ Levy shows that the luck in DW has been mislocated by Lackey and, as a result, DW does not threaten the necessity of LCAL.

Even so, the pervasiveness of luck shows that people lack control over many of their actions. It would be unrealistic for an individual to manage luck completely, but it will be insightful to draw attention to the measures that a person can take to try get a handle on luck. For example, someone could attempt to manage the risks that they face or hone their skills in a particular area. As acknowledged by Rescher, the avoidance of 'bad luck calls for prudence and risk aversion: acting with caution, buying insurance, and the like. Good luck, by contrast, can be sought via crucially calculated risks' (Rescher, 2014, p. 624).

Risk could be managed by planning an event or by taking out insurance. Planning an event can increase or decrease the likelihood of its occurrence. For example, a professional gambler will establish the probabilities of winning a game beforehand and decide whether to play by taking those calculations into account. The gambler will also increase their chances of winning by taking calculated risks based on the likelihood of certain outcomes.⁴⁹

Charles Grinstead and James Snell make particular reference to card counting in Blackjack in order to demonstrate how gamblers decrease the effects of luck by calculating probabilities. They also make particular reference to the gambler and mathematician Gerolamo Cardano, who was one of the first individuals to formulate probabilities as a fraction. For instance, he discovered that rolling two dice would

⁴⁸ Riggs makes it clear that we need to be certain about which event is under consideration when we talk about luck (Riggs, 2014, p. 631).

⁴⁹ Peels (2015) understands improbability in terms of modal closeness. However, this approach to understanding luck is objectionable due to metaphysical concerns relating to probabilities and modality.

yield a one in thirty-six chance of rolling a two. Thus, he used mathematics to minimise the effects of chance and to increase his monetary winnings while gambling (Grinstead & Snell, 1997, p. 31).

The use of probabilities and statistics can also be applied to different areas of human life. In certain types of cases mathematicians calculate risk using 'micromorts'. One micromort signifies a one in one million chance of death occurring during a particular activity. These calculations can then be used to an individual's advantage. For example, a person who wants to climb Devil's Peak may use these units of risk to calculate their chances of death during that particular endeavour.

Ronald Howard describes the numerous elements that must be factored into the climber's calculations, such as their previous experience, their colleagues' experience, the history of the sport, and the hazards of climbing that particular peak. With all of these factors taken into consideration, the risk of death while climbing Devil's peak has been roughly calculated as one hundred micromorts. This means that there is a one in ten thousand chance of death (Howard, 1999, p. 237). This data can therefore be used to decide whether the climb is a worthwhile risk.

The use of micromorts in statistical analysis is one way in which probabilities can be used to establish the likelihood of certain events occurring. For example, Antony Eagle specifies that if the likelihood of a certain outcome is known and nothing else is of relevance, we should be confident that the outcome will eventuate to the same value as the chance (Eagle, 2012). Calculations of probability play a crucial role in attempting to understand certain other aspects of human life too. This includes, but is not limited to, the impact of luck and our resistance to it. As Ian

Hacking summarises, ‘no public decision, no risk analysis, no environmental impact, no military strategy can be conducted without decision theory couched in terms of probability’ (Hacking, 1990, p. 4).

Planning helps to control luck to an extent by determining the risk of certain events. In similarity, risk itself can be controlled to a degree by taking certain preventative measures, such as through the acquisition of insurance policies. Somewhat surprisingly though, the procurement of insurance could mean that some people become more vulnerable to bad luck. This would be the case if they were more inclined to take additional risks knowing that their potential losses will be minimised. Lang calls this the ‘Moral Hazard Argument’ and discusses it in relation to luck egalitarianism. He describes the phenomenon of moral hazard as follows:

An individual, *A*, having been insured against loss of a certain type and up to a certain amount, in certain circumstances – call this loss *L*, in circumstances *C* – then proceeds to engage in certain types of behaviour which increase the probability that *L* will occur in *C* (Lang, 2009, p. 322).

The phenomenon of moral hazard could be something that people might wish they were aware of, especially when attempting to minimise risk. Calculations of probabilities help to reduce risk by informing an individual about the dangers of certain activities. At the same time, risk should primarily be understood in terms of its modal closeness to the target event. As Pritchard writes:

There is a lot of empirical support for the idea that subjects' judgements about risk and luck tend to go hand in hand. In particular, just like luck, subjects' judgements about risk track the modal closeness of the target event rather than its probabilistic likelihood. So subjects might grant that the probabilistic likelihood of two events is broadly the same, and yet nonetheless characterize one of them as being riskier than the other because they regard this event as modally closer (Pritchard, 2014, p. 600).⁵⁰

Thus, the relationship between probabilities and luck should be limited to a discussion of an individual's control over a particular event. In addition to risk management, luck can be minimised by managing skill. Those with a high degree of skill in a particular area are able to exert more control over their actions and are less likely to be affected by luck. As Rachel McKinnon argues, 'we can create our own luck (probabilistically) by increasing our skill, because increasing skill makes it more likely that we have more opportunities to get lucky, which means that we're more likely to get lucky than those with lower skill' (McKinnon, 2014, p. 566).

⁵⁰ Pritchard defines a 'risky' event as follows: 'to say that a target event is risky is to say that (keeping relevant initial conditions for that event fixed) it obtains in close possible worlds. As the modal distance between the actual world and the possible world where the target event obtains becomes more remote, so the riskiness of the event lessens. At some point, the target event is so modally remote as to not be significantly risky, and hence we tend to judge that there is no risk involved' (Pritchard, 2014, p. 601).

To provide an example, sports professionals minimise the effects of luck in their competitions by improving their skill. This might include undertaking tougher training regimes or seeking advice from expert coaches. However, an individual's level of skill can be affected by fortune and luck in two ways.⁵¹ First, the strength, talent or character that someone is born with will depend on good or bad fortune. Second, the number of lucky breaks that a person encounters can be affected luck (Dennett, 1984, p. 95).⁵²

Certain lucky events could therefore be controlled to a degree by planning or honing skills, but the development of plans and the cultivation of skills can be affected by luck in various ways. As a result, it is perhaps unrealistic to expect people to control luck in this way. As Carolyn Morillo proclaims, 'one can, of course, lessen one's reliance on luck to a considerable degree (sensory cross-checking, etc.), but too much of that sort of thing is scarcely compatible with getting on with the business of life' (Morillo, 1984, p. 129).

2.2 The Modal Account of Luck

The modal condition requires a lucky event to occur in the actual world but fail to occur in a wide class of the nearest possible worlds where the relevant initial conditions for that event are the same as in the actual world. It is usually used in conjunction with the significance condition to form MAL.⁵³ MAL was originally

⁵¹ I offer further criticism of McKinnon's probabilistic account in 2.3.

⁵² Dennett specifies that a person's natural strength, talent, and character is a matter of luck. However, as I will go on to discuss in 2.4, these factors should be thought of in terms of fortune.

⁵³ Riggs calls the modal account the 'safety' analysis because of the similarity between its modal structure and safety accounts of knowledge (Riggs, 2009, p. 207).

developed by Pritchard who aimed to create an account of luck that is capable of embracing our chief intuitions and overcoming the problems afflicting LCAL.⁵⁴ His account proceeds as follows:

S is lucky that E iff:

- (a) 'It is an event that occurs in the actual world but which does not occur in a wide class of the nearest possible worlds where the relevant initial conditions for that event are the same as in the actual world' (Pritchard, 2005, p. 132).
- (b) 'It is an event that is significant to the agent concerned (or would be significant, were the agent to be availed of the relevant facts)' (Ibid).⁵⁵

To clarify, I understand 'actuality' in the same way as David Lewis, who remarks that 'ours is the actual world; the rest are not actual... I use the word 'actual' to mean the same as 'this-worldly'. When I use it, it applies to my world and my worldmates; to this world we are part of, and to all parts of this world' (Lewis, 1986, p. 92). A 'nearby possible world' is a possible world that resembles the actual world with only a minor modification. For instance, the colour of your garage door might be red instead of blue. A 'distant possible world' is a possible world in which there are significant alterations to the actual world, such as a world where no human beings exist. When introducing the topic of possible worlds, it is easy to imagine that things

⁵⁴ It is important to be aware that Pritchard does not intend to provide the sufficient conditions for luck. He seeks to expose some of the necessary conditions that encompass the 'core' of luck (Riggs, 2009, pp. 207-208).

⁵⁵ As previously mentioned, Pritchard has more recently argued that there is no requirement for a significance condition (Pritchard, 2014, p. 604). However, as discussed in Chapter One, the significance condition plays an important role in our analysis of luck. I will therefore continue to refer to the account of luck that was developed by Pritchard in 2005.

as a whole could have been different in countless trivial and profound ways. The actual world appears to be only one among many possible worlds. As Christopher Menzel states:

History, from the very beginning, could have unfolded quite other than it did in fact: The matter constituting a distant star might never have organized well enough to give light; species that survived might just as well have died off; battles won might have been lost; children born might never have been conceived and children never conceived might otherwise have been born (Menzel, 2013).

The modal condition requires luck to involve the absence of counterfactual robustness. An event is counterfactually robust if it is steady across nearby possible worlds, whereas a non-counterfactually robust event is one that fails to be steady across nearby possible worlds. For Pritchard, a lottery win is lucky because it is an event that obtained in the actual world but would have failed to obtain in a wide class of nearby possible worlds (Pritchard, 2007, p. 278). Susan Hurley also suggests the following:

Ordinary gambles and lotteries are closely associated with alternative possibilities and chance. For example, you have good lottery luck if various different

outcomes of the lottery were possible, in one or another sense of “possible”, and by chance you got the most desirable one; or, when everyone in a lottery had the same chance of winning a prize, and you win it (Hurley, 2003, p. 123).

In order to assess counterfactual robustness, certain relevant features of the actual world need to be fixed in our evaluation of nearby possible worlds.⁵⁶ Pritchard argues that ‘in particular cases, it is usually pretty clear what needs to remain fixed’ (Pritchard, 2014, p. 599). His general specification of these initial conditions is as follows: ‘they need to be specific enough to pick out a particular kind of event that we want to assess for luckiness, but not so specific as to guarantee that this event obtains’ (Ibid).⁵⁷

It is a notable strength of MAL that it has the ability to account for paradigmatic cases of luck. Our commonplace judgements about luck show modal closeness, and not probabilistic closeness, to be important. For example, when playing a game of bingo, we acknowledge that a win is modally close but probabilistically unlikely. Suppose that there is a one in three hundred chance of

⁵⁶ Driver unpacks ‘relevance’ in epistemic terms. She remarks that ‘the set of conditions that determines what is relevant are those that are the foreseeable outcomes’ (Driver, 2013, p. 167).

⁵⁷ It is not always straightforward to determine the relevant initial conditions of each case and so Whittington tries to be more specific. He develops Pritchard’s modal condition by adding a world-fixing component, which involves the agent’s action performance (Whittington, 2014, p. 662). This means that the agent must perform the same action in the actual world and in all nearby possible worlds, but the result of that action must differ in the majority of nearby possible worlds from the result in the actual world. To illustrate, we can ascertain whether a lottery win is lucky for you by holding the condition that you purchase a ticket fixed across all nearby possible worlds. If you win in the actual world, but lose in the majority of nearby possible worlds, the example would fulfil the modal condition for luck. However, the addition of a further world-fixing component can only assist with our understanding of the modal condition in cases of resultant luck. It is unclear how this condition can be adapted to account for cases of circumstantial luck.

winning. If you were only one number away from winning a full house game you would think of yourself as being unlucky. On the other hand, if you were seven numbers away from winning you would not consider yourself unlucky.

The difference in our attributions of luck in these cases can be explained in modal terms. When you were only one number away from winning the event was modally close. This means that only a slight change in the actual world, such as the calling of only one different number, would have meant a win. On the other hand, when you were seven numbers away from winning the event was modally far off. A number of changes in the actual world would have been required to win. For example, many of the numbers that were called would have needed to be different.

It could be argued in response that probabilistic closeness renders an event lucky. The difference between modal closeness and probabilistic closeness is addressed by Steven Hales, who makes reference to a player surviving a game of Russian roulette. Proponents of MAL would argue that the player is lucky to survive. This is because a slight change in the actual world, such as one more rotation of the gun's chamber, would mean losing. On the other hand, proponents of the probabilistic account would argue that the player's survival is non-lucky. This is because there was only a one in six chance of losing. The odds were in his favour and so his survival is not a matter of luck (Hales, 2014, 2015).

An analogous example is that of a penal lottery, which is described by Lewis as 'a system of punishment in which the convicted criminal is subjected to a risk of punitive harm. If he wins the lottery, he escapes the harm. If he loses, he does not'

(Lewis, 1989, p. 58). Lewis provides the specific example of an overt penal lottery.⁵⁸

In his example, a number of soldiers are punished for forming part of a mutiny and each faces a one in ten chance of being killed.

This particular example can be used to discuss the issue of justice and punishment in cases of luck. It can also be used to help identify the difference between probabilistic and modal accounts of luck. Consider the following scenario: three captives are made to draw straws to determine which of them will face being hanged. Proponents of the probabilistic account will identify the two survivors as non-lucky because all of the captives had a 66.6% chance of survival and so the odds were in their favour. Conversely, proponents of the modal account will identify the survivors as lucky because the choosing of the short straw is a non-counterfactually robust event.

An additional strength of MAL is that it avoids the key criticisms, outlined above, plaguing LCAL. Reconsider, for example, Latus' sunrise problem. The problem demonstrated that LCAL incorrectly categorises the rising of the sun as a lucky event. Conversely, the rising of the sun fails to be lucky in accordance with MAL because it is a counterfactually robust event. The rising of the sun 'occurs in the actual world and a wide set of nearby possible worlds where we hold relevant initial conditions fixed. Therefore, sunrises under MAL do not count as lucky, thereby avoiding the counterintuitive result provided by LCAL' (Whittington, 2014, p. 657).

⁵⁸ Michael Moore criticises the use of penal lotteries as a potential solution to the problem of moral luck. He claims that matching punishment to the degree of risk an individual imposed 'is incapable of establishing that we *deserve* more punishment for results than for risks' (Moore, 1994, p. 252).

These strengths of MAL could explain why some epistemologists writing on moral luck and epistemic luck make an appeal to the modal account.⁵⁹ A further strength of MAL lies in its ability to fix the degree of an event's luckiness. Degrees of luck vary according to the modal closeness of the possible world in which the target event does not obtain. Consider the scenario of a child who narrowly avoids being run over by a car. If the car misses the child by a few centimetres we would naturally be inclined to say that she is luckier than she would have been had the car missed her by a few metres. This is because the possible worlds in which she is hit by the car that missed her by only a few centimetres are closer to the actual world. Less needs to be changed in the actual world to reach those possible worlds. For instance, the driver could have easily moved his steering wheel a fraction to the left and hit her, or the child could have run into the road a split second earlier and been in the path of the car.

We therefore have a continuum picture of luck. This means that the luckiness of an event can vary between being barely lucky to very lucky. As Pritchard argues, 'such a picture is compatible with a broad penumbral range of cases where it's hard to say whether an event counts as lucky or not. Indeed, such a coarse-grained conception of luck seems entirely in keeping with our normal ways of thinking about luck' (Pritchard, 2014, p. 607). Hence, a lucky event is on a scale between being slightly lucky and very lucky. In contrast, a fine-grained conception of luck would mean that an event is simply either lucky or non-lucky with no room for manoeuvre. For Pritchard, 'once the degree of luck falls below a certain level—i.e., once there is no modally close world where the target event doesn't obtain—then we would

⁵⁹ For example, see Pritchard (2014).

naturally classify the event as not lucky, since it does not involve a significant degree of luck' (Pritchard, 2014, p. 600).

MAL's coarse-grained conception of luck is in line with our intuitions. However, MAL may be condemned for relying on a theory of modality that is arguably flawed. To provide an example, 'it has been argued that there is no unique closest possible world to the actual world and also that there need be no fact of the matter regarding which of any two given possible worlds is closer to the actual world' (Pritchard, 2014, p. 606). This objection relates to the problem of similarity ordering, which concerns the ordering of possible worlds in terms of their similarity to the actual world.⁶⁰

In response, this problem does not undermine MAL because the coarse-grained nature of the modal condition does not seek to provide a sharp distinction between lucky and non-lucky events. Instead, luck is understood in terms of a continuum picture of degrees of luck. As Pritchard argues, metaphysical problems relating to modality are not a problem for MAL and world border problems in particular pose no threat to this account (Ibid). Nonetheless, MAL faces other criticisms. For instance, Lackey criticises the account by arguing that its conditions are neither necessary nor sufficient for luck. Her counterexample to MAL is entitled 'Buried Treasure' (BT) and proceeds as follows:

Sophie, knowing that she had very little time left to live, wanted to bury a chest filled with all of her earthly treasures on the island she inhabited. As she walked

⁶⁰ For further information about similarity ordering see Lewis (1986, pp. 20-27).

around trying to determine the best site for proper burial, her central criteria were, first, that a suitable location must be on the northwest corner of the island—where she had spent many of her fondest moments in life—and, second, that it had to be a spot where rose bushes could flourish—since these were her favorite flowers. As it happens, there was only one particular patch of land on the northwest corner of the island where the soil was rich enough for roses to thrive. Sophie, being excellent at detecting such soil, immediately located this patch of land and buried her treasure, along with seeds for future roses to bloom, in the one and only spot that fulfilled her two criteria. One month later, Vincent, a distant neighbor of Sophie's, was driving in the northwest corner of the island—which was also his most beloved place to visit—and was looking for a place to plant a rose bush in memory of his mother who had died ten years earlier—since these were her favorite flowers. Being excellent at detecting the proper soil for rose bushes to thrive, he immediately located the same patch of land that Sophie had found one month earlier. As he began digging a hole for the bush, he was astonished to discover a buried treasure in the ground (Lackey, 2008, p. 261).

BT is developed by Lackey using the following formula, which aims to produce counterexamples to MAL. The formula first dictates that we choose a paradigmatic example of a lucky event. Second, we must construct a case where both central aspects of the event are counterfactually robust, but ensure that the crucial features of the event have no deliberate or pertinent connection. Third, if there is any doubt that the counterexample will fail we should include additional features to guarantee its counterfactual robustness across nearby possible worlds (Lackey, 2008, p. 263).

Lackey cites BT in a specific attempt to show that the modal condition fails. For Lackey, MAL mistakenly identifies BT as non-lucky.⁶¹ In accordance with the modal condition, Vincent's discovery of the treasure is only lucky if the finding of the treasure occurred in the actual world but would have failed to occur in a wide class of nearby possible worlds. Lackey argues that BT is lucky even though Vincent's discovery of the treasure is counterfactually robust. If this argument is correct it means that Vincent is lucky despite discovering the treasure in the majority of nearby possible worlds. However, Levy shows why this argument is unconvincing. He extends his argument that Lackey mislocated the luck in DW by suggesting that she has also mislocated the luck in BT.

Lackey thinks that the luck in BT is located at the time of Vincent's discovery of the buried treasure. However, it is actually located in the

⁶¹ In response to Lackey's criticism, Coffman (2014, 2015) creates a Strokes Account of Luck, where 'an event that's (un)lucky for you is one that's either itself a stroke of good (bad) luck for you or one that's good (bad) for you and due primarily (chiefly, mainly) to some prior stroke of good (bad) luck for you' (Coffman, 2014, p. 487). I do not discuss this account further because Lackey's criticisms can be suitably responded to by Levy. Furthermore, unlike MAL, the Strokes Account of Luck fails to provide a conception of lucky events. This makes it difficult to discern how the strokes account could help us to develop an account of moral luck.

counterfactually non-robust occurrences that made Vincent's discovery of the treasure possible. As Levy remarks, 'the luck is not in the event (...of Vincent's finding the treasure), but in the circumstances enabling' it to occur (Levy, 2009, p. 497). Thus, the antecedent circumstances leading to the discovery of the treasure are lucky, whereas Vincent's actual act of discovering the treasure is fortunate.⁶²

Lackey's response would presumably be to include additional details in an attempt to ensure the counterfactual robustness of BT. However, the materialisation of all of the required conditions could not be counterfactually robust. The reason being that luck itself would be non-existent if all events and their prior structuring causes were counterfactually robust occurrences. Pritchard also argues the following:

[If] we further stipulate that there is only one patch of land on the island that is suitable for planting rose bushes, and that it is obvious that this is so to anyone who knows about these things... The discovery is accidental, since Vincent wasn't aiming to find the treasure, but it is not a matter of luck that he finds treasure in this spot, as he was bound to make this discovery in this case (Pritchard, 2014, p. 611).

BT therefore does not threaten the necessity of the modal condition. Nevertheless, Lackey does put forward a convincing argument that MAL is not sufficient for luck

⁶² Levy provides an alternative response entitled BT* to argue that Vincent's discovery of the treasure is a matter of fortune, as opposed to luck (Levy, 2009, p. 494). However, BT* only serves to highlight the difficulties faced by Vincent in judging his own luckiness in a certain situation and so it fails to provide a strong enough defence of MAL against Lackey's criticism.

because it cannot account for ‘whimsical events’. These refer to events resulting ‘from actions that are made, either entirely or largely, on a whim’ (Lackey, 2008, p. 264). To illustrate, you decide on a whim to resign from your high-paying job in favour of working for minimum wage in a less stressful environment. This example meets MAL’s criteria for luck because your resignation occurred in the actual world but would have failed to occur in the majority of nearby possible worlds. It is a non-counterfactually robust occurrence that was unplanned and performed on impulse.⁶³ Furthermore, changing career is significant to you because your general interests have been affected. Yet, it would be incorrect to identify your career move as lucky. The reason for this, I believe, is that you exercised control over your decision to resign.

In addition to whimsical events, I propose a new counterexample to MAL. The formula for my counterexample is as follows: first, conceive of a scenario where you perform a certain action that you regularly and competently perform. Second, imagine that owing to your confidence in performing that action you fail to pay enough attention and consequently make an error. Non-counterfactual robustness could be increased by adding a rejoinder. For instance, it could be included that it would be uncommon for you to make such an error owing to your perfectionist personality, which would be mostly fixed across nearby possible worlds. Third, the outcome of your action must be of significance to you.

MAL will misidentify as lucky some non-lucky examples that meet this formula. To provide an example, your attendance is required at a meeting and you decide to drive to the meeting alone on a familiar route to work. Your local

⁶³ MAL could also misidentify events involving people acting out of character as lucky instead of non-lucky.

supermarket also happens to be located on this particular route. Due to your familiarity with the road, you become inattentive and accidentally drive to the supermarket. As a consequence, you are disciplined for being late to the meeting.

This example satisfies the significance condition because your late attendance meant that you were disciplined. In addition, your positive reputation for punctuality and reliability has been, to some extent, damaged. The modal condition is also satisfied because in the majority of nearby possible worlds you would have arrived at your meeting in time without making the mistake of driving to a different destination. The non-counterfactual robustness of this example can be increased further by stipulating that you are usually an attentive driver and would rarely make such a mistake. This example therefore meets the criteria for MAL. Yet, it is non-lucky. Once more, I believe that the reason this event is non-lucky is because you had the potential to exercise control over arriving on time to your meeting.

In sum, MAL's conditions are necessary but insufficient for luck.⁶⁴ In order to overcome the above counterexamples, I suggest that a control condition should be built into MAL to create a Hybrid Account of Luck (HAL), which is capable of distinguishing between lucky and non-lucky events and overcoming the criticisms facing rival accounts of luck.⁶⁵ As we have seen, the sunrise problem is a counterexample to LCAL, but the inclusion of a modal condition means that the rising of the sun would be properly identified as non-lucky. On the other hand, examples of whimsical events or unlikely events serve as counterexamples to MAL,

⁶⁴ Driver provides an alternative account of MAL that includes a contrastive element. Her account is as follows: an 'event *e* is lucky or unlucky for a given individual in contrast to some other state of affairs (or, rather than some other state of affairs). An individual, *S*, is lucky that *p* rather than *q*' (Driver, 2013, p. 159). Driver's contrastive element is advocated by Whittington (2014).

⁶⁵ Alternatively, a modal condition could be built into LCAL.

but the inclusion of a lack of control condition means that these examples would also be appropriately identified as non-lucky.

2.3 A Hybrid Account of Luck

Before discussing HAL any further, it is worth addressing an alternative theory of luck that has been proposed in the literature. A discussion concerning the Probability Account of Luck is often overlooked in favour of a discussion pertaining to LCAL or MAL. Nevertheless, the probability account provides an interesting alternative that is worthy of mention. Driver argues that ‘we associate luck with what is improbable’ (Driver, 2013, p. 159).⁶⁶ McKinnon also suggests that the problems facing MAL can be overcome by presenting a new theory of luck, which is established using a ‘probabilistic understanding of abilities and expected value’ (McKinnon, 2013, p. 510). She adds that ‘skill is what we call the expected value of an ability, and luck is any deviation, whether positive or negative, from this value’ (Ibid).

McKinnon advocates the Probability Account of Luck because she believes that MAL is harmed by her coin flipping argument. She asserts that ‘the single most likely outcome of flipping a fair coin a thousand times is five hundred heads. But the probability of actually obtaining this result is merely 2.52 percent. Suppose that this is the outcome: it doesn’t seem lucky, but in most nearby possible worlds we wouldn’t have obtained a result of five hundred heads’ (McKinnon, 2013, p. 501).

⁶⁶ Driver notes that luck is also associated with things that occur beyond the agent’s control, things that are ‘chancy’, and things that have normative significance (Driver, 2013, p. 159).

The coin flipping argument is used in an attempt to show that the modal condition can be satisfied without the event being a matter of luck. However, McKinnon relies on a mistaken understanding of modality and probabilities. Her argument unravels when she includes so many variables as to make the odds of flipping five hundred heads exponentially increase. The number of chances involved are too excessive. Her thinking about luck in terms of probability is therefore flawed in this example because the most probable result would actually be a range of outcomes. According to my understanding of the probability account, a lucky outcome of the coin toss should be a result that lies outside a certain range of potential outcomes. In addition, the flipping of five hundred heads actually meets the modal condition because the number of variables involved renders it a non-counterfactually robust occurrence.

Pritchard defends the idea that luck should be thought of in terms of the modal closeness of the target event.⁶⁷ He argues that ‘the lottery case reminds us that an event can be modally close even when probabilistically unlikely. That is, the possible world in which one wins a lottery, while probabilistically far-fetched, is in fact modally close’ (Pritchard, 2014, p. 596). He argues further that ‘modal closeness comes apart from probabilistic closeness. In particular, one cannot infer from the fact that an event is probabilistically unlikely (such as a lottery win) that it is therefore also modally far-off’ (Pritchard, 2014, p. 597). Fernando Broncano-Berrocal also defends the idea that luck should be thought of in terms of the modal closeness of the target event. He utilises the following example entitled ‘Lazy Luke’ to show that there are highly probable lucky events:

⁶⁷ Pritchard describes how some psychological research relating to risk corroborates our thinking about luck and risk in terms of modal closeness (Pritchard, 2014, p. 600).

In a distant future, the galaxy is populated by billions and billions of people. The billions of corporations of the Galactic Empire are hiring computer technicians. Our hero, Luke, is an unemployed computer technician. He is extremely lazy and does not want to work at all. All he wants is to lie on the couch and play video games. The Galactic Empire's political system, however, forces unemployed people to apply for jobs constantly, so Luke reluctantly switches on his supercomputer and starts applying for billions of jobs. Luke, who is a clever guy after all, uploads a very bad CV to the system. In fact, he makes sure to upload the worst CV of the galaxy (he knows how to do that). Hiring decisions are made based on the number of candidates and the quality of their CVs, so by submitting a disastrous CV, Luke ensures that whenever there is another candidate, he will not be chosen. Furthermore, he knows that his name is on the I.D.L.E. list, that is, the list of Individuals Devoted to Leisure and Enjoyment, which contains the names of those who should never be hired because of their extreme laziness (all companies use I.D.L.E.). Competition for jobs is fierce, so for every single job

there are millions of applications (something that Luke knows). He also knows that people normally inflate their CVs. Today everything seems to be alright: for each job offer, Luke has uploaded the worst CV, has checked that there are more applicants, that he is on I.D.L.E., and so on. Unbeknownst to him, however, there is a problem with the application sent to company No. 86792922, MicroCorp. Due to some unusual interference in the data stream, the contents of the CV Luke has sent to MicroCorp suddenly change in such a way that the human resources department receives a CV full of so many brilliant achievements that they decide to hire Luke instantly (by law, once a company hires a worker, the worker cannot be fired for a period of one year) (Broncano-Berrocal, 2015, pp. 8-9).

In this scenario, the probability of Luke getting a job is very high owing to the sheer volume of job applications that he has sent. Still, he is lucky to get a job and so the Probability Account of Luck fails. On the other hand, MAL handles the Lazy Luke case because in many nearby possible worlds there would not be a problem with Luke's application and, as a consequence, he would not have been offered a job at

MicroCorp (Broncano-Berrocal, 2015, p. 10).⁶⁸ However, as MAL is not sufficient for luck, the following Hybrid Account of Luck is more convincing:⁶⁹

S is lucky that E iff:

- (a) E is significant to S. (i.e. S is lucky with respect to E only if (i) S has an interest and (ii) E has some objectively positive or negative effect on that interest (in the sense that E is good for or bad for S)).
- (b) The event occurs in the actual world but does not occur in a wide class of the nearest possible worlds where the relevant initial conditions for that event are the same as in the actual world.
- (c) S lacks control over E's occurrence.

2.4 Constitutive Fortune

HAL provides a convincing account of luck, but it has significant implications for cases that are ordinarily classified as constitutive luck. To recap, constitutive luck is usually understood as being a type of luck that influences an individual's identity, including their character or dispositions:

⁶⁸ A further benefit of MAL is that, unlike the Probability Account of Luck, 'it allows us to make lots of true risk ascriptions quickly and on the basis of insufficient evidence' (Broncano-Berrocal, 2015, p. 7).

⁶⁹ For alternative versions and defences of the Hybrid Account of Luck, see Coffman (2007), Latus (2003), and Levy (2009).

When we speak of constitutive luck, we are speaking of a person being lucky to be in a particular state rather than because of the occurrence of a particular event. Accommodating this, however, does not require any significant change to our thinking about luck. There is certainly no problem so far as value is concerned. States can be valued just as events can. When it comes to speaking of the chance of a particular state obtaining, we can again fit this into our framework.... a similar remark holds for control over the state (Latus, 2003, p. 471).

An individual's constitution appears to be a matter of luck because it is generally thought of as something that lies beyond their control. As Hurley argues, 'if the causes of your constitution are a matter of luck for you, so that you are not responsible for them, then your constitution itself is a matter of luck, and so are the consequences of it, such as abilities or actions that may make you better or worse off than other people' (Hurley, 1993, p. 181). However, proponents of both MAL and HAL would argue that an individual's constitution cannot be affected by luck. The reason is that the modal condition cannot account for the necessary truths found in these types of examples.

Consider the claim that I am lucky to have the parents I have. In accordance with the modal condition, there can be no possible world in which I have a different upbringing because 'it is necessary that I have the parents I have – I could have no

other parents – there is no possible world in which I have different parents’ (Driver, 2013, p. 166). As a result, it should be said that I am fortunate to have the parents I have, but I am not lucky. As Driver similarly asserts, ‘it is good for me that I have the parents that I do have, although it was inevitable and thus not a matter of luck’ (Ibid).

It can also be claimed that the notion of constitutive luck is incoherent because it would be nonsensical to think that luck could cause someone to be constituted differently. If an individual had been constituted differently they would not be the same person. For Hurley, the idea of constitutive luck requires us to think ‘in terms of each of us having an equal chance, from some relevant perspective, of having any particular constitution, hence of being any particular person’ (Hurley, 1993, p. 197). She goes on to add that this reading of constitutive luck is hopeless because it ‘requires us to make sense of the nonsensical idea of a constitutionless self’ (Hurley, 1993, p. 198). Rescher makes a similar argument as follows:

Dispositions and talents are part of what makes her the individual she is; it is not something that chance happens to bring along and superadd to a preexisting identity. One can indeed be lucky to encounter a person who induces or helps one to develop a talent. But having that talent itself is a matter of fortune rather than good luck. It makes no sense to assimilate personal fate to games of chance, because with games there is always antecedently a player to enter into participation, while

with people there is no antecedent, identity-bereft individual who draws the lot at issue with a particular endowment. One has to be there to be lucky (Rescher, 1995, pp. 30–31).⁷⁰

For this reason, an individual's constitution should be thought of in terms of fortune, as opposed to luck. This is because the modal condition is unable to account for certain necessary truths.⁷¹ To summarise the other key discussion in this chapter, I hope to have developed a satisfactory account of luck. This account serves to highlight the nature of luck and, significantly, it can help us to understand the nature of moral luck. In the following chapter I explicate the nature of moral luck by reference to HAL with a modified significance condition.

⁷⁰ Latus argues that 'Rescher et al. are right to think chance is a comparative notion. They simply have the comparison class wrong. We don't have to consider the possibility of you having been constituted differently from the way you are. Instead, what we need to consider is how common it is for a person to be constituted this way (that is, so as to have whatever property we are concerned with). Roughly speaking, if it is uncommon (and the value and control requirements are met), then you're lucky to a considerable extent' (Latus, 2003, p. 472). However, his argument faces the same criticisms as the probabilistic theory of luck, which is that luckiness is dependent on modality and not on the likelihood of an occurrence or state of affairs.

⁷¹ I will draw on this discussion in 10.1 to help glean an understanding into the nature of constitutive moral fortune.

3

An Account of Moral Luck

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In this chapter I aim to formulate and defend a Hybrid Account of Moral Luck by reference to the Hybrid Account of Luck. The significance condition of HAL is adapted to distinguish moral luck from plain luck. In cases of moral luck, the event or its outcomes must either be of positive or negative moral value. On the other hand, in cases of plain luck the event must be of significance in a more general sense. This discussion begins with an analysis of the Selby rail disaster, which occurred in 2001. Gary Hart, the driver involved in the disaster, was the victim of bad moral luck. This example helps to pinpoint the difference between cases of plain fortune and plain luck and what I refer to as cases of moral fortune and moral luck. Definitions of each will clarify and disambiguate these concepts. I utilise the definition of luck espoused in 1.1.1 to define moral luck as plain luck with moral significance. I also define a morally fortunate event as an event that is morally significant and that lies outside of the agent's control. The difference between a morally lucky event and a morally fortunate event is that examples of the latter are not identifiable on the basis of an event's modal closeness.

The necessary and sufficient conditions for moral luck can be established by reflecting on the more general conditions for luck that were discussed in Chapter Two. Explicating the nature of moral luck by reference to an account of luck is a relatively novel method. For instance, Hales asserts that 'very few writers on moral luck, luck egalitarianism, or moral privilege make any effort to provide a definition or analysis of luck' (Hales, 2015, p. 2385). Hales also observes that, out of those who do provide an analysis of luck, many simply assume the validity of LCAL. For example, he argues that 'supporters of moral luck universally accept the control

theory of luck, insofar as they clearly adopt any particular theory of luck whatsoever’ (Hales, 2015, p. 2390).

Pritchard (2005, 2006) remarks that paying attention to luck can help to provide a solution to the problem of moral luck. This is because an understanding of the nature of luck will help us to comprehend the problem that moral luck poses for morality. According to Pritchard, a new understanding of luck will show that neither Williams nor Nagel are able ‘to offer unambiguous grounds for thinking that there is a problem of moral luck’ (Pritchard, 2006, p. 1).

Thinking about the nature of moral luck by reference to an account of plain luck has numerous advantages.⁷² This includes the ability to distinguish morally lucky events from morally fortunate events, lucky events or non-lucky events. This understanding of moral luck also provides an invaluable way of thinking about the problem of moral luck, which I will discuss in Chapter Four. In brief, the question of whether or not moral luck exists is a non-normative issue that can be distinguished from the problem of moral luck, which is a normative issue. The latter regards the justifiability of ascribing moral praise and blame to those affected by moral luck.

3.1 Moral Luck and Similar Concepts

I seek to create an account of moral luck that can systematically identify a morally lucky event. Closer consideration of the Selby rail disaster as an example attributed to moral luck will help to ascertain its distinguishing features. The Selby rail disaster,

⁷² During his discussion of resultant moral luck, Whittington (2014) formulates moral luck by reference to an account of plain luck.

also known as the Great Heck rail crash, unfolded when Hart, the driver of a Land Rover, fell asleep at the wheel of his car. Hart veered off the M62 and landed on some railway tracks. After failing to reverse the vehicle off the tracks, he abandoned his Land Rover and rang the emergency services.

At the time of making the emergency phone call, a London express train travelling at 125mph hit the Land Rover and derailed. A freight train weighing 1800 tonnes happened to be travelling on the tracks in the opposite direction and collided with the derailed passenger train. The incident killed ten people and injured over eighty others. It was later established in court that Hart was severely sleep deprived at the time of the accident due to spending the night talking to an acquaintance over the phone (BBC News, 2011).

I take it to be uncontroversial that Hart suffered from bad luck in this example because many people drive whilst feeling tired without causing such tragic accidents. Specifically, the event fulfils the three necessary and sufficient conditions for luck. These conditions were established in Chapter Two and include a modal condition, lack of control condition, and significance condition. The modal condition for luck is met in this example because, if the relevant initial conditions were fixed in all nearby possible worlds, a different outcome in the majority of these worlds would have occurred. The most relevant conditions that need to remain fixed are that Hart drives his Land Rover while fatigued and that he drives on the same route, it can then be determined that the collision was a non-modally robust event. Only a slight change in the actual world would have meant that Hart landed somewhere else other than on the railway tracks at that particular moment in time.

The counterfactual robustness of this event can be increased further by fixing the relevant initial conditions to include Hart's landing on the railway tracks. However, in many nearby possible worlds the accident could still have been prevented. For instance, Hart may have safely removed his vehicle from the tracks or he may have contacted the emergency services in time to prevent the disaster. Therefore, the incident is a non-modally robust occurrence. The lack of control condition for luck is also met because Hart lacked control over his car becoming trapped on the railway tracks and neither could he control the timing of the two approaching trains. In addition, the event is clearly of significance to Hart because his general interests have been affected.

This example therefore meets the requirements for luck. Hart's general interests have been disadvantaged, which means that it is an example of bad luck. It can be further categorised as a type of resultant luck because it is the outcome of the event that has been affected. It can be further categorised still as a case of bad resultant *moral* luck because the deaths of the innocent train passengers are of negative moral value.

It is important to observe that moral significance is unrelated to issues of moral responsibility. An event may be morally lucky but this does not necessarily mean that the agent is morally responsible for the event. The Selby rail disaster can therefore be distinguished from the examples of plain luck cited in Chapter One because the significance of the event has a moral dimension. I will go on to discuss

the notion of moral significance in greater detail in 3.3.⁷³ For now, though, the necessary and sufficient conditions for moral luck can be summarised as follows:⁷⁴

(1) **The moral significance condition:** E is *morally* significant.

(2) **The modal condition:** The event occurs in the actual world but does not occur in a wide class of the nearest possible worlds where the relevant initial conditions for that event are the same as in the actual world.

(3) **The lack of control condition:** S lacks control over E's occurrence.

In resemblance to the discussion in 1.1.1, these conditions can be used to help distinguish morally lucky events from comparable kinds of events, such as cases of moral fortune or plain luck.

3.1.1 Luck, Moral Luck, and Moral Fortune

In light of the discussion above, I argue that moral luck is best understood in terms of luck with moral significance. I begin by drawing on my definition of plain luck, which is that a lucky event is the positive or negative value of an event that is

⁷³ The modal condition and lack of control condition for luck are the same in cases of moral luck and in cases of plain luck. By 'plain luck' I refer to events that meet the criteria for luck set out in Chapter Two.

⁷⁴ Peels advocates a similar Hybrid Account of Moral Luck, which is as follows: 'an event E is lucky or unlucky for some person S at some time t iff (i) S lacks control over the occurrence of E at t, (ii) E is significant to S at t, and (iii) E occurs in the actual world, but does not occur in a wide class of nearby possible worlds' (Peels, 2015, p. 77).

significant to the agent, that lies beyond their control, and that would fail to occur in a large proportion of nearby possible worlds. As elucidated by the example of the Selby rail disaster, moral luck differs from luck more generally because the event is of moral significance. Bearing this in mind, moral luck should be understood in terms of morally significant plain luck. If the value of the event is positive, it is a matter of good moral luck and one can be said to be morally lucky. On the other hand, if the value of the event is negative, it is a matter of bad moral luck and one can be said to be morally unlucky.

This definition helps to distinguish cases of moral luck from cases of moral fortune. A morally fortunate event can be defined as an event that is morally significant to the agent and that lies outside of their control. If the value of the event is positive, it is a matter of good moral fortune and one could be said to be morally fortunate. Alternatively, if the value of the event is negative, it is a matter of bad moral fortune and one could be said to be morally unfortunate.

The relationship between moral luck and moral fortune can therefore be understood in the following way: a morally lucky event is an event that is morally fortunate and would not occur in a wide class of nearby possible worlds. It is an event that satisfies conditions (1), (2), and (3), as identified in 3.1. A morally fortunate event is an event that satisfies conditions (1) and (3). Hence, an event that satisfies the conditions for moral luck, with the exception of the modal condition, should be referred to as moral fortune.⁷⁵

This definition of moral luck primarily serves to identify its characteristic feature, which is that an event must be of moral significance to the agent. A further

⁷⁵ Although the discussion throughout this thesis focuses on moral luck, the topic of moral fortune will be discussed in greater detail in Chapter Ten.

feature is recognised by Daniel Statman who writes that, in cases of moral luck, ‘the agent contributes in some way to the results, either by negligence or by a deliberate (lucky or unlucky) decision’ (Statman, 1993, p. 15). This feature is common and will be noticeable in the majority of cases of moral luck described in Chapter Four. Although it is not a necessary feature of moral luck, it could help to distinguish cases of moral luck from cases of plain luck.

3.2 A Typology of Moral Luck

Before discussing my account of moral luck further, I provide a summary of the different types of moral luck as they are identified by Nagel (Nagel, 1979, p. 28). These include circumstantial moral luck, resultant moral luck, and constitutive moral luck and are the moral variants of the types of luck examined in 1.2.

Circumstantial moral luck

Circumstantial moral luck regards the circumstances in which an individual finds themselves. If a person’s moral action is influenced by circumstantial luck it would be a case of circumstantial moral luck. Consider the example of John Demjanjuk, or ‘Ivan the Terrible’, who worked as a Nazi Concentration Camp guard during the Second World War.⁷⁶ In May 2011, he was convicted of 28,060 counts as an accessory to murder and subsequently given a sentence of five years of imprisonment.

⁷⁶ There is debate surrounding the real identity of the notorious camp guard known as Ivan the Terrible. Whilst alive, Demjanjuk claimed to be the victim of mistaken identity. Though, for the purpose of this discussion, I assume that the identity of the guard is Demjanjuk.

Demjanjuk was a law abiding citizen before and after the Second World War. Yet, once he was provided with the opportunity, he chose to act in a morally corrupt way. It is a case of circumstantial moral luck because moral luck influenced the situation in which Demjanjuk found himself in. As a consequence, Nagel would argue that his actions negatively affect his so-called ‘moral record’ or ‘moral ledger’ because he is blamed and legally punished for his crimes.⁷⁷

Resultant moral luck

Resultant moral luck arises when the outcome of an individual’s action is affected by moral luck.⁷⁸ In alternative terms, an event must meet the conditions for moral luck and the luck must be located in the outcome of the action. As previously discussed, the Selby rail disaster is an example of resultant moral luck. Again, Nagel would argue that Hart’s actions negatively affect his moral record because he is blamed and legally punished for the deaths of the train passengers.

Constitutive moral luck

Constitutive moral luck typically refers to the type of luck that influences an individual’s constitution, including their character, personality, disposition, and temperament. An individual’s identity is influenced by numerous factors lying beyond their control. These factors combine nature, such as the genes they inherit, and nurture, such as the environment they are raised in. When luck morally

⁷⁷ This example will be discussed further in Chapters Four and Nine.

⁷⁸ Resultant moral luck may be referred to as ‘consequential moral luck’. See Enoch (2010), Enoch and Marmor (2007), and Edward Royzman and Rahul Kumar (2004). It may also be described as ‘luck in how things turn out’. For example, see Susan Wolf (2001). Alternatively, it may be referred to as ‘outcome luck’.

influences an individual's character it may be credited to constitutive moral luck. Nagel would suggest that someone who is naturally inclined to commit morally corrupt acts is a victim of bad constitutive moral luck. However, as it will be shown in 10.1, examples of this nature should alternatively be classified as cases of constitutive moral fortune.

3.3 Significance and Moral Luck

The example of the Selby rail disaster illustrates the distinguishing feature of morally lucky events, which is that they are of moral significance to the agent.⁷⁹ Bearing this in mind, an account of moral luck that is capable of distinguishing these phenomena from cases of plain luck is required. The best way to achieve this is by altering what the significance condition aims to capture. As previously discussed in 1.3, the significance condition for luck is developed using Ballantyne's account of interests.

To recap, an 'individual X is lucky with respect to E only if (i) X has an interest N and (ii) E has some objectively positive or negative effect on N (in the sense that E is good for or bad for X)' (Ballantyne, 2012, p. 331). The significance condition picks out whether an event is good luck or bad luck by focusing on the satisfaction or frustration of a person's interests. To illustrate, it would be a matter of bad luck for Kate if a group of intoxicated youths cause damage to her car because her interest in maintaining her vehicle will be negatively affected.

⁷⁹ An individual affected by good moral luck could, in some instances, be praised and rewarded for their action, whereas an individual affected by bad moral luck could be blamed and punished. I will discuss the normative issues of praising and blaming those who have been affected by moral luck in Chapter Four.

In order to identify cases of moral luck it may therefore seem reasonable to endorse a significance condition that is based on interests.⁸⁰ Imagine that a farmer is shooting pheasants on his land when a trespasser unexpectedly cycles into his line of fire and is injured. The farmer's interest in avoiding causing harm to others is negatively affected by the accident. Thus, an account of interests would yield the correct result in this case, which is that the farmer is subject to bad moral luck. However, this scenario can be adapted to show that an account of moral luck connected with interests is inadequate because it can pick out the wrong moral value of an event.

Imagine instead that the farmer derives pleasure from watching others suffer. Although his shooting of the cyclist happened by luck, the incident advances his voyeuristic interests by satisfying his desires. For that reason, a condition of significance that focuses on the interests of the farmer will hold that he is subject to *good* moral luck, but this seems wrong. We feel as though this is a case of *bad* moral luck, irrespective of the pleasure that he feels.

The problem can also work the other way around. If the farmer enjoys seeing people suffer and purposefully sets out to shoot a rambler, his interests will be negatively affected if his gun fails to fire. Again, a condition of significance that focuses on interests would yield an incorrect verdict because it would hold that this case is of *bad* moral luck. However, given that the rambler is uninjured we feel as though it is an instance of *good* moral luck. Consider the following remark by Lee John Whittington:

⁸⁰ To recap, Ballantyne's original significance condition relates to non-moral significance, which concerns an individual's general interests.

The problem here is that the significance condition is picking out not the moral value of the action but the value of the outcome of the action orientated around the agent's interests. So the remedy to the problem is to adjust what the significance condition picks out... the significance here needs to be moral significance rather than interests significance (Whittington, 2014, p. 665).

A discussion of moral luck is in the moral domain and so 'the kind of significance that needs to be fulfilled is a moral significance or moral value' (Ibid).⁸¹ Given this, the significance condition for moral luck should look something like the following: **S is morally lucky that E if E, or the result of E, is of either negative or positive moral value.**⁸² An instance of luck that is of negative moral value can therefore be identified as bad moral luck, whereas an instance of luck that is of positive moral value can be identified as good moral luck.

As it will be discussed in detail throughout the latter half of this thesis, I adopt a framework of morality that has Aristotelian elements. Accordingly, an action is moral if it reinforces a person's virtuous or vicious character traits or if it affects their degree of virtue.⁸³ For example, a father who loses his only child in an accident

⁸¹ I agree with Whittington that the term 'significance' could be confusing and that 'value' can be used in its place (Whittington, 2014, p. 665). Therefore, I use the terms 'moral significance' and 'moral value' interchangeably.

⁸² Whittington develops his account of significance with cases of resultant moral luck specifically in mind. He says, 'the results (E) of S's action are of positive or negative moral value (where the moral value is defined by the moral theory that we are using)' (Whittington, 2014, p. 665). I adapt this condition to also cater for cases of circumstantial moral luck.

⁸³ In some instances, a deliberate omission can be representative of an individual's character. For example, a mother who notices that her daughter is drowning in the bathtub and does not attempt to save her shows a vicious character.

is subject to bad moral luck. He is less virtuous because he no longer has the opportunity to act as a good father.⁸⁴ As this case shows, someone can be morally lucky or unlucky without being morally responsible for the event in question.

By concentrating on the moral value of an event we can correctly say that the farmer who accidentally shot the cyclist is subject to *bad* moral luck. This is because the moral value of shooting the cyclist is negative, irrespective of the pleasure that the farmer receives from watching the suffering of others. In contrast, the farmer who failed in his attempt to shoot a rambler is subject to *good* moral luck.⁸⁵ The moral value of failing to shoot the rambler is positive, despite the farmer's interest in causing harm.⁸⁶ Armed now with a theory of moral value, I dismiss accounts of moral luck that are created using LCAL or MAL in favour of an account of moral luck based on HAL. This discussion will also help to justify the definition of luck that I endorsed in Chapter One.

3.3.1 The Lack of Control Account of Moral Luck

⁸⁴ Luck only affects the father's opportunities to act morally. It does not alter his character or the fact that he is a good person.

⁸⁵ The farmers are subject to good and bad moral luck 'in the loosest possible sense' (Whittington, 2014, p. 665).

⁸⁶ Statman asserts that, in instances of good moral luck, 'one's moral status has been positively determined, at least partially, by factors beyond one's control' (Statman, 1991, p. 146). However, I avoid making reference to an individual's 'moral status' because, as it will be shown in 5.3, these correspond to the Kantian conception of morality. Instead, I believe that it is the agent's performance that ties them to the event, as opposed to the influence of luck on their moral status. As Whittington clarifies, 'what makes S morally lucky is that she has carried out an action that fulfils the conditions set above, not that the value of the results of the action has affected her somehow (the results may in no way affect the agent)' (Whittington, 2014, p. 666).

Morally lucky events are events that meet the criteria for luck and that have moral significance. An account of moral luck based on LCAL could therefore be formulated as follows:

S is morally lucky that E iff:

- (a) E, or the result of E, is of either negative or positive moral value.
- (b) S lacks control over E's occurrence.

Moral luck tends to be thought of in terms of a person's lack of control over their actions. As discussed in 2.1, Nagel appears to endorse LCAL when he argues that 'a significant aspect of what someone does depend on factors beyond his control' (Nagel, 1979, p. 26). However, he presupposes the validity of LCAL without seeking to explain or defend it any further. This oversight by Nagel suggests that his definition of moral luck needs further support.⁸⁷ LCAL is not sufficient for luck because it misidentifies certain non-lucky events, such as the rising of the sun, as lucky. Therefore, an account of moral luck formulated using LCAL alone would be unsatisfactory. Nevertheless, LCAL does provide two of the necessary conditions for luck.

3.3.2 The Modal Account of Moral Luck

Given the above, an alternative account of moral luck based on MAL could look as follows:

⁸⁷ 4.2 will address further reasons why Nagel's definition of moral luck can be criticised.

S is morally lucky that E iff:

- (a) E, or the result of E, is of either negative or positive moral value.
- (b) The event occurs in the actual world but does not occur in a wide class of the nearest possible worlds where the relevant initial conditions for that event are the same as in the actual world.

The discussion in 2.2 explained why MAL is not sufficient for luck. In similarity to the criticisms facing LCAL, MAL also misidentifies some non-lucky events, such as whimsical events, as lucky. Hence, an account of moral luck characterised by MAL alone would be deficient because it could miscategorise some morally lucky events as non-lucky. In spite of this, MAL does provide some of the necessary conditions for luck.

In addition, the modal condition helps to account for varying degrees of moral luck by considering how wide the set of possible worlds are in which the event turns out differently. Consider the example of a driver who mows down a child during a momentary lapse of concentration. The driver is morally unlucky to a greater degree in comparison to an intoxicated driver who mows down a child. The fault of the driver is comparatively minor compared to the fault of the intoxicated driver. This is because, in the majority of nearby possible worlds, the driver who lacked concentration would have avoided causing any harm. On the other hand, the driver who was intoxicated would have harmed the child in a wider set of nearby possible worlds.

3.3.3 A Hybrid Account of Moral Luck

Given the necessity of the moral significance condition, lack of control condition, and modal condition, I assert that a Hybrid Account of Moral Luck (HAML) is the most convincing account. The specific account that I endorse proceeds as follows:

S is morally lucky that E iff:

- (a) E, or the result of E, is of either negative or positive moral value.
- (b) The event occurs in the actual world but does not occur in a wide class of the nearest possible worlds where the relevant initial conditions for that event are the same as in the actual world.
- (c) S lacks control over E's occurrence.

To summarise, I have examined the nature of moral luck by reference to an account of plain luck. By giving a number of examples, the discussion in the ensuing chapter will explore the problem of moral luck. In short, it can be understood as a problem concerning the legitimacy of our ascriptions of moral responsibility, praise, and blame.

4

The Problem of Moral Luck

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In Chapters One to Three I was engaged in a metaphysical discussion concerning the nature of luck in general and the nature of moral luck in particular. Having established the nature of moral luck, the problem of moral luck can be more easily understood. The discussion in Chapters Four to Nine focuses on ethics in order to show that there is no real problem of moral luck. Having established an account of moral luck in the previous chapter, I will now investigate why moral luck appears to pose difficulties for our conception of morality.

The problem of moral luck is a problem concerning the justifiability of our judgements about moral responsibility, praise, and blame. It is therefore necessary to draw a distinction between non-moral and moral judgements. Furthermore, it is important to elucidate the reasons why moral ascriptions of praise and blame are necessary and why we should seek to defend them. As this discussion will make evident, the problem of moral luck is a problem concerning the moral responsibility of adult humans, as opposed to the responsibility of animals or children. A number of key examples will then be examined to identify the different ways in which circumstantial moral luck and resultant moral luck arise. Pivotaly, they will highlight what those who believe there is a problem of moral luck find puzzling.

At first glance, our moral judgements about those affected by moral luck appear to be unjustified because we are judging people for events that they appear to lack control over. If there is a problem of moral luck it could therefore prohibit our evaluative judgements and moral prescriptions of praise and blame. According to Donna Dickenson, the problem of moral luck ‘undermines the notion of the moral will itself, making it impossible for us to operate as ethical agents’ (Dickenson, 2003, p. 12). As a result, the existence of moral luck seems to pose a difficulty because our

moral judgements in these cases appear to contradict the deeply held intuition that morality is immune to luck.

4.1 The Problem with Moral Luck

It is often assumed that luck has no bearing on morality. However, Williams and Nagel argue that this assumption is erroneous. Nagel in particular is committed to the thesis that there is ubiquitous luck. If he is correct then individual moral responsibility seems impossible (Concepcion, 2002, p. 456). For that reason, the problem of moral luck is very disturbing:

Whether we are naturally sociable or irritable, whether we find ourselves faced with particularly explicit or burdensome moral challenges, whether the arrows of our actions hit their targets, all constitute ways in which things we cannot control affect the moral quality of our lives. All, then serve as examples of moral luck, which, taken as a group, comprise one of the most philosophically perplexing and troubling features of ordinary moral experience (Wolf, 2001, p. 5).

When morally judging others, it is usually thought that we abide by the Control Principle. This principle requires any moral judgements about an individual to be made only in cases where they were in control of their action. However, as the

discussion in this chapter will show, it appears as though we routinely make moral judgements that are in conflict with the Control Principle. If this is the case, the justifiability of our moral practices can be brought into question because ‘it seems irrational to take or dispense credit or blame for matters over which a person has no control, or for their influence on results over which he has partial control’ (Nagel, 1979, p. 28). Zimmerman formulates this argument in terms of the following puzzle:

1. A person P is morally responsible for an event e’s occurring only if e’s occurring was not a matter of luck.
2. No event is such that its occurring is not a matter of luck. Therefore
3. No event is such that P is morally responsible for its occurring (Zimmerman, 1988, 1993).

Zimmerman asserts that the paradox of moral luck arises because the premises of this argument seem true but the conclusion appears false. He describes how Nagel believes that there is a paradox of moral luck, but disagrees with its conclusion. On the other hand, he shows that Williams supports the second premise while denying the first (Zimmerman, 1993, pp. 217-218). Peels provides an alternative way of formulating the problem of moral luck:

There is a set of three theses about luck and moral blameworthiness, each of which is at least *prima facie* plausible but that, it seems, cannot all be true. The

theses are that: (1) one is not blameworthy for what is beyond one's control. (2) Events that are due to luck are events that are beyond one's control, and (3) we sometimes properly blame people for events that are due to luck (Peels, 2015, p. 74).

Zimmerman's formulation focuses on attributions of moral responsibility, whereas Peels describes the problem in terms of our attributions of moral blame. Each draws attention to the apparent paradox between morality and luck. However, both ways of formulating the problem are deficient because the problem of moral luck concerns attributions of moral responsibility *and* of moral praise and blame. Zimmerman does go on to assert that the term 'responsibility' denotes an individual who is worthy of praise or blame. He also specifies that they are worthy of praise and blame of an inactive sort, which consists 'in a positive or negative evaluation of the agent in light of the event in question' (Zimmerman, 1993, p. 218).⁸⁸ Nevertheless, for the sake of brevity a definition should make it clear that the problem of moral luck is a problem concerning both our ascriptions of moral responsibility and our ascriptions of moral praise and blame.

The problem of moral luck would arise if we unfairly judge someone who is the object of circumstantial moral luck or resultant moral luck. Nagel (1979) addresses the issue of moral judgements in a notably different way to Williams

⁸⁸ Inactive praise and blame can be compared to active praise and blame, which serves to 'express, and which thus *presuppose*, judgements of praise and blame... [inactive praise and blame] are, of course, subject to moral justification; that is, as actions, they may be morally right or wrong. There is thus a great difference between internal judgements of praise and blame and external or overt actions expressive of such judgements' (Zimmerman, 1993, p. 218).

(1993a).⁸⁹ Nagel explores the judgements that people make about the praiseworthiness or blameworthiness of others. Williams, however, explores a person's own judgements about the praiseworthiness or blameworthiness of themselves. These latter kinds of judgements relate to Williams' theory of 'retrospective justification' (Williams, 1993a, p. 38).

In addition, Williams discusses the emotional response that an individual may have to the bad consequences of their actions.⁹⁰ This emotional response is called 'agent-regret'. It is defined by Susan Wolf as 'a special form of sadness or pain accompanying the wish that things had been otherwise with regard to something with which one's agency was somehow involved... How much guilt one would feel, on this view, would be a function of how blameworthy one judged oneself to be' (Wolf, 2001, p. 16).⁹¹

A discussion of regret and remorse is telling about our ethical attitudes towards those affected by moral luck. Reconsider again the example of the Selby rail disaster. This is an example of resultant moral luck, but it can also be used to indicate the moral repugnancy of a lack of remorse. In an interview, Hart blamed the accident on fate (BBC News, 2011). However, most would find his explanation intolerable

⁸⁹ An alternative way of understanding moral luck may be to defend a rational approach to morality, which involves understanding moral luck as depending 'primarily on observers' assessment of the beliefs and intentions of the unlucky agent. That is, people's different judgments of lucky and unlucky agents are due primarily to the difference between true and false beliefs, rather than neutral and bad outcomes' (Young, Nichols & Saxe, 2010, p. 334). Questions can be raised regarding the validity of psychological responses to philosophical problems. Nevertheless, interesting conclusions about cognitive biases and false beliefs have been drawn from psychological research into moral luck.

⁹⁰ For a discussion of moral luck in relation to Williams' notion of agent-regret, see Enoch (2012), Joseph Raz (2012), and Jay Wallace (2012).

⁹¹ Williams' notion of agent-regret can be compared to Wallace's notion of 'all-in regret', which is where 'a person experiences a stable reaction of sorrow or pain about a past action or circumstance, taking into account the totality of subsequent events that they are aware of having been set in motion by it. But the person is subject, in addition, to an overall desire or preference that things should have been otherwise in respect of the action or circumstance that now occasions retrospective sorrow' (Wallace, 2012, p. 177).

because we would usually expect someone who has been affected by bad moral luck to feel some sort of regret.

Williams gives the scenario of a lorry driver who runs over a child through no fault of his own.⁹² The driver will feel guilt for hitting the child and others will try to comfort and reassure him that he is not blameworthy. Though, ‘it is important that this is seen as something that should need to be done, and indeed some doubt would be felt about a driver who too blandly or readily moved to that position’ (Williams, 1993a, p. 43). For this reason, it would be unacceptable for someone to simply shrug off what had happened in this type of scenario.⁹³ They are expected to feel a certain response, even when absolved of blame.

Nagel denies that the case involving the faultless lorry driver is an example of moral luck. For Nagel, it would only be a case of moral luck if the driver had acted negligently. The reason is that, had the driver acted negligently even to a minor degree, he would be blamed more severely in comparison to the blame that he would have received had no harm occurred (Nagel, 1979, p. 29). It will be useful here to draw attention to the distinction between Nagel’s formulation of moral luck and the definition of moral luck that I propose. For Nagel, the lorry driver is subject to moral luck only if he was somehow at fault. On the contrary, I argue that being at fault is a feature of moral luck, but that it is not a necessary feature.

⁹² The notion of agent-regret can be distinguished from the notions of ‘spectator’s regret’ and ‘remorse’ (Williams, 1993a, p. 42). Zimmerman identifies the difference between agent-regret and remorse by explaining that remorse includes a feeling of regret, but also requires the agent to accept culpability for the event (Zimmerman, 1988, p. 134). Spectator’s regret is the regret that a person feels when they witness a particular event. For example, a pedestrian who witnesses a car crash could feel spectator’s regret.

⁹³ If a person did display a blasé attitude, we would ‘think there was something wrong with the agent that went deeper than the initial offense... we might say that... this person lacks integrity. We might just experience the equivalents of these by feeling disgust, resentment, indignation, loss of trust’ (Walker, 1993, p. 240).

In accordance with my argument, the faultless lorry driver suffers from bad moral luck because the conditions for moral luck are satisfied and the event is of negative moral value. However, this case of moral luck is not problematic. That is, the presence of moral luck does not give rise to a problem of moral luck because we would not ascribe blame to a driver who was not at fault, and so there is no requirement to justify our moral judgements. Hence, in opposition to Nagel, I believe that there is moral luck in this scenario but that it does not affect our ascriptions of responsibility or blame.

Williams' account of moral luck differs from Nagel's account and from my own because his focus is on 'the agent's reflective assessment of his own actions' (Williams, 1993a, p. 36). His notion of agent-regret is a species of regret, which is characterised by a person's self-reflection about their actions or choices.⁹⁴ Self-reflective assessments play a role in explaining our usual practices of judgement, particularly in cases of moral luck where a person is passive about the harm that they have caused. Williams is unmotivated by a discussion of responsibility, whereas Nagel understands the problem of moral luck by reference to our judgements about the moral responsibility of others. In similarity to Nagel, I understand the problem in terms of the conflict between control and moral responsibility, as opposed to a person's feelings of regret.

4.1.1 Moral Luck and the Problem of Moral Luck

⁹⁴ Agent-regret is unrestricted to voluntary agency (Williams, 1993a, p. 43).

Reconsider again the example of the Selby rail disaster.⁹⁵ Hart is the victim of bad moral luck. The court, along with the majority of the general public, holds him morally and legally responsible for the accident. He seems to be morally responsible because, had he avoided spending the night awake talking to his friend, it would have been highly unlikely that he would have fallen asleep at the wheel. It is therefore felt as though the accident could have been avoided.

These judgements coincide with our general intuition that someone must be in control of their actions in order to be morally responsible for them. This is evidenced by the argument that we would retract our judgements of blame if we later discovered that Hart was not in control of his actions. For instance, we would absolve him of blame if we found out that he had fallen asleep at the wheel due to undiagnosed narcolepsy or if his brakes had been unknowingly tampered with.

At the outset, our intuition that Hart is morally accountable for the deaths of the train passengers appears to be plausible. However, if we were to subscribe to the idea that morality is immune to luck then our judgements in this case would be rendered unfair. Even though Hart is the victim of bad luck, we blame him for the harm that he has caused. Such judgements of blame appear to contradict the Control Principle because Hart lacked control over certain aspects of the accident, such as the location of where his vehicle landed and the timing of the two trains on the tracks.

It seems unfair to attribute moral responsibility to an individual for an action that has been affected by luck. According to Joel Feinberg, these feelings of unfairness stem from our belief that ‘moral responsibility must be regular and predictable; nothing can be left to chance or to unforeseeable contingencies... [moral

⁹⁵ The example of the Selby rail disaster was originally discussed in 3.1.

responsibility] must be something neither escapable by good luck nor something one can tumble into through bad luck' (Feinberg, 1962, p. 346).

The Selby rail disaster is an example of bad resultant moral luck because the accident was of negative moral value. Nonetheless, cases of good moral luck can pose difficulties for morality too. Imagine that Sue requests assistance from a group of friends to help find her missing cat. After searching for an hour, one of her friends finds the cat in her back garden. It is a matter of good moral luck that the cat happened to be in her garden while she was searching for it. As a reward for finding the cat, Sue praises her friend and offers her money as recompense. There appears to be a minor problem of good moral luck in this case because Sue does not equally praise and reward all of the people who joined the search. Her different attributions of praise and reward could lead us to wonder whether all of the people who helped in the search are 'equally deserving' (Browne, 1992, p. 355).⁹⁶

4.2 Defining the Problem of Moral Luck

This discussion aims to provide a clear distinction between the phenomena of moral luck and the problem of moral luck by means of an exploration and criticism of the definitions provided by Williams and Nagel. To begin, consider the following remark by Williams:

⁹⁶ For Brynmor Browne, cases of good moral luck pose fewer difficulties for morality than cases of bad moral luck because he does not think that there is anything wrong with giving praise or reward as an expression of thanks. He views praising as a 'kind of celebration in which we all share' (Browne, 1992, pp. 355-356).

One's history as an agent is a web in which anything that is the product of the will is surrounded and held up and partly formed by things that are not, in such a way that reflection can go only in one of two directions: either in the direction of saying that responsible agency is a fairly superficial concept, which has a limited use in harmonizing what happens, or else that it is not a superficial concept, but that it cannot ultimately be purified (Williams, 1993a, pp. 44-45).

As previously discussed, Williams introduced the term 'moral luck' with the intention that it be understood as an oxymoron.⁹⁷ For instance, he suggests that 'there is something in our conception of morality... that arouses opposition to the idea that moral responsibility or moral merit or moral blame should be subject to luck' (Williams, 1993b, p. 251). His primary focus is on the way in which moral luck affects our rational justifications of actions. Like Nagel, Williams finds our common notion of morality incoherent. He claims that luck is damaging to morality owing to its impact on our non-moral judgements of rational justification. On the other hand, Nagel asserts that luck is damaging to morality owing to its impact on our moral assessments and moral justifications for actions (Andre, 1993, p. 124).

Nagel begins his discussion by defining moral luck in terms of our moral judgements. To recap, he says that '...a significant aspect of what someone does depends on factors beyond his control, yet we continue to treat him in that respect as

⁹⁷ See the Introduction.

an agent of moral judgement, it can be called moral luck' (Nagel, 1979, p. 26). He then goes on to discuss the problem of moral luck:

Such luck can be good or bad. And the problem posed by this phenomenon, which led Kant to deny its possibility, is that the broad range of external influences here identified appears on close examination to undermine moral assessment as surely as does the narrower range of familiar excusing conditions. If the condition of control is consistently applied, it threatens to erode most of the moral assessments we find it natural to make (Ibid).

Nagel's definition of moral luck tells us that he understands the concept in terms of the moral judgements that we make about morally lucky individuals. This is evidenced by his comment that '...we continue to treat him in that respect as an agent of moral judgement' (Ibid). In addition, he understands the problem of moral luck in terms of the justifiability of these moral judgements. As he remarks, 'if the condition of control is consistently applied, it threatens to erode most of the moral assessments we find it natural to make' (Ibid).

It can be seen, then, that Williams and Nagel make special mention of responsible agency in their definitions of moral luck. Specifically, they raise concerns about the justifiability of praising or blaming morally lucky individuals. Their comments are indicative of the connection that tends to be made in the literature

between the question of whether or not moral luck exists, which I take to be a non-normative issue, and the problem of moral luck, which is a normative issue pertaining to the legitimacy of judgements about moral responsibility.

For clarity, I propose that Nagel's definition could be re-worded in the following way: when a significant aspect of what someone does depends on factors beyond his control, yet we continue to treat him in that respect as an agent of moral judgement, it can be called *the problem of moral luck*. This amended definition would help to clarify the problem of moral luck. Nevertheless, it remains unsatisfactory owing to Nagel's dependence on LCAL.⁹⁸

Accordingly, I argue that the problem of moral luck should be defined in terms of the following: **the problem of moral luck is the problem of whether, given that moral luck exists, we are justified in ascribing moral responsibility and praising or blaming morally lucky agents.** In other words, it is a problem that concerns the appropriateness of moral judgement.⁹⁹ Enoch and Marmor also suggest that the problem of moral luck arises 'with regard to those moral judgments that are closely tied to agency, judgments of responsibility, culpability, blame or praiseworthiness' (Enoch & Marmor, 2007, p. 427).

The existence of moral luck appears to lead to an unsolvable paradox. For Nagel, individual moral responsibility is possible, but the paradox of moral luck arises because it contradicts our general assumption that control is necessary for moral responsibility. He says, 'the view that moral luck is paradoxical is not a

⁹⁸ As previously discussed in 3.3.1, LCAL is not sufficient to capture cases of moral luck.

⁹⁹ In accordance with my argument, animals and children can be lucky or even morally lucky. However, our intuition is that these types of agents are not the suitable candidates for moral responsibility and, as a consequence, the problem of moral luck does not relate to them. As I will go on to discuss in 9.1.1, Aristotle's complex theory of moral responsibility is able to capture our intuitions pertaining to the moral responsibility of animals and young children.

mistake, ethical or logical, but a perception of one of the ways in which the intuitively acceptable conditions of moral judgements threaten to undermine it all' (Nagel, 1979, p. 27).

Having provided a general definition of the problem of moral luck, the specific problems of circumstantial moral luck and resultant moral luck can be defined. **The problem of circumstantial moral luck is the problem of whether, given that circumstantial moral luck exists, we are justified in ascribing moral responsibility and praising or blaming morally lucky agents.** Similarly, **the problem of resultant moral luck is the problem of whether, given that resultant moral luck exists, we are justified in ascribing moral responsibility and praising or blaming morally lucky agents.**

4.3 Non-Moral and Moral Judgement

As it can be seen, the problem of moral luck is a problem concerning our moral assessments of others. To understand the nature and importance of these, a distinction can be made between non-moral and moral judgements of praise and blame.¹⁰⁰ In brief, we praise and blame others as a means of expressing our approval and disapproval. To be more specific, we praise and blame others in moral terms to indicate our 'approval or disapproval of his conduct in his most basic purpose in life,

¹⁰⁰ A key aim in the latter half of this thesis is to establish the conditions for moral responsibility and to identify the appropriate candidates for moral praise and blame. More precisely, a philosophical theory that is capable of capturing the responsibility of morally lucky and unlucky individuals is required to justify our moral judgements in these cases. Therefore, prior to establishing a theory of moral responsibility, a discussion concerning the importance of our moral judgements will help to show why they ought to be defended. As Diana Hsieh similarly asserts, 'the development of a robust theory of moral responsibility requires an investigation into the nature and purpose of moral judgment' (Hsieh, 2013, p. 55).

namely living well' (Hsieh, 2013, p. 67). We praise certain actions because we think that they are good and blame certain other actions because we think that they are bad. Additionally, these judgements can help others to pursue their goals.

The ultimate objective for the majority of people is to be happy and to live well. This is because 'when we are living well, our life is worthy of imitation and admiration. For, according to the Greek moralists, that we are happy says something about us and about what we have achieved, not simply about the fortunate circumstances in which we find ourselves' (Homiak, 2015). Special attention must therefore be paid to anything that could affect how we live or the attainment of our goals.

As a case in point, Ahmad wishes to maintain a fulfilling relationship with his wife and two children whilst studying hard to achieve his ambition of working as a research scientist. To achieve these goals, he needs to maintain his general health and well-being. Hence, to stay healthy he should eat in moderation and to remain financially stable he should avoid gambling with his money. In other words, he must be able to balance short-term and long-term goals.

When a person identifies a goal that they would like to reach they must consider all that is required of them to be successful. In other words, they need to 'identify the nature of the relevant aspects of reality and act accordingly' (Smith, 2000, p. 49). One of Ahmad's ultimate goals is to pursue a career as a scientist. Consequently, he must be aware of which qualifications to obtain and he must know that he needs to dedicate a lot of time to his studies and avoid cheating or withdrawing from his course. Ahmad should also be aware of any other factors that

would help or hinder him, such as the fact that he could work more efficiently if he eats and sleeps well.

Spending quality time with family and friends is equally important. Even with mounting exam pressure his happiness will increase by spending time with his wife and young children. Furthermore, fostering relationships with others will help him to reach his goals. For instance, he will benefit in a group work task by acting in a friendly and approachable manner. Though, he should carefully discern which of his fellow students are trustworthy. A classmate who is hoping to copy Ahmad's test results could potentially thwart his success.

It is therefore essential to manage our relationships and engage well with other people. As Tara Smith asserts, 'all that a person cares about – her projects, goals, relationships, possessions, her physical and emotional well-being, the quality of her days – stands to gain or suffer from others' actions. Gauging others' probable effects on one's values is thus necessary for the full-fledged pursuit of those values' (Smith, 1999, p. 369). This can only be achieved by making meaningful judgements about the characters of others.

We could praise or blame another in a non-moral way for a number of things, such as their intelligence, talent, personality, skills, ambitions, and work ethic. In many cases, people will be judged for things that they lack control over. A child who struggles to understand arithmetic will be deemed to be less capable at numeracy based subjects than some of her classmates, regardless of how hard she works at school. It can be perfectly acceptable to judge others in a non-moral sense for things that lie outside of their control, especially if these judgements help us to reach our goals. Nonetheless, many of the judgements that we make are based on things that

people deliberate about and choose (Hsieh, 2013, pp. 60-61). For example, we would blame a person who misses an important job interview because they wanted to spend the day relaxing in bed. Likewise, we would praise a person who chooses to raise money for charity in their spare time.¹⁰¹

Our non-moral judgements of praise and blame serve a number of purposes. When we praise someone it means that we want to say something positive about them. By communicating our normative standards, ascriptions of praise emphasise positive character traits and encourage others to make better choices. In contrast, blaming a person means that we want to say something negative about them. Such ascriptions of blame express our disapproval and reinforce the standards that we expect of others (Hsieh, 2013, p. 65).

We could praise a friend for being a gifted artist or critique a stranger for their terrible dress sense. However, these types of judgements differ from moral judgements, which are of a special type and carry a ‘unique gravity’ (Smith, 2000, p. 13). Moral judgements tend to be representative of an individual’s good or bad character, but this is usually not the case when we judge a person non-morally. In similarity to non-moral judgements, moral judgements need to be defended because they too serve a range of important functions. Significantly, they can be used to identify how trustworthy or emulable someone is. This is essential because the influence of others can impact considerably upon the attainment of our goals.¹⁰²

¹⁰¹ In cases such as these, our ascriptions of praise and blame are determined by various aspects of someone’s character or actions. For instance, we blame the person who misses their job interview for being lazy, irresponsible, and unmotivated. On the other hand, we praise the fundraiser for their charitable spirit, determination, and dedication.

¹⁰² It can be said that ‘the habit of judgement sharpens one’s understanding of, and heightens one’s dedication to, one’s own values. Thus even the evaluation of others’ non-moral traits can play a constructive role on behalf of one’s well-being’ (Smith, 1999, pp. 370-371).

Therefore, we are required to make meaningful moral judgements about the characters and actions of others.

Importantly, our moral judgements attach to adult humans as opposed to children. This is because, as it will be discussed in greater detail in Chapter Eight, we are naturally inclined to think that moral praise and blame should solely attach to those who have purposefully caused their actions. Among other things, this means that someone can only be the object of moral judgement if they are aware of what it is that they are bringing about.¹⁰³ This includes being knowledgeable about the morally salient features of their situation, such as the potential outcomes of their actions.

As Rosalind Hursthouse argues, ‘this is something that adolescents are notoriously clueless about precisely because they are inexperienced. It is part of practical wisdom to be wise about human beings and human life’ (Hursthouse, 2012). As a result, neither animals nor children are the appropriate candidates for moral praise and blame because they do not have the requisite knowledge of what they are doing. This clarification shows that the problem of moral luck exclusively concerns the justifiability of moral judgements about adult humans.

Given this, I will now provide several paradigmatic examples of circumstantial moral luck and resultant moral luck.¹⁰⁴ For the purpose of this thesis, I

¹⁰³ Furthermore, as the discussion in 8.1.1 will show, someone can only be the object of moral judgement if they act without being externally forced. For instance, we would avoid blaming a person who is forced to commit a crime at gunpoint. The actions that people deliberate about and choose are also of particular importance because they tend to be representative of their good or bad moral characters. To give an example, a person would display a bad character if they choose to steal groceries from a store rather than paying for their goods. Accordingly, certain situational factors need to be taken into account when deciding whether a person is praiseworthy or blameworthy.

¹⁰⁴ These examples of moral luck, as well as the examples of moral fortune in Chapter Ten, draw on some of the distinctions made by Hsieh between the various types of moral luck (Hsieh, 2013, pp. 4-6).

take it for granted that they all meet the conditions for moral luck as they are set out in 3.3.3. The citing of various different examples is necessary if we are to provide a theory of moral responsibility that can adequately handle a range of cases. Therefore, these will be of particular relevance to the discussion in Chapter Nine, which will show that the existence of moral luck does not give rise to a problem of moral luck.

4.4 The Problem of Circumstantial Moral Luck

Circumstantial luck concerns the circumstances in which an individual finds themselves. Alternatively, it can be described as luck in ‘the things we are called upon to do, the moral tests we face’ (Nagel, 1979, p. 33). According to Nagel, if the moral action of an individual is influenced by luck, and we judge them as a moral agent, it would be a case of circumstantial moral luck. Circumstantial moral luck can arise in three ways: by affecting the opportunities available to an individual, by impacting the moral quandaries an individual could face or by rendering certain actions unnecessary. Examples of each will illustrate the different types of circumstantial moral luck and draw attention to what those who believe that there is a problem of moral luck would find puzzling in the respective cases.

Example One: An Opportunity

Circumstantial moral luck could influence the opportunities that are available to an individual. Nagel describes the example of a Nazi sympathiser and argues that it is a matter of bad luck that the sympathiser was living in Germany during the Second World War. It appears to be bad luck because, had he been living elsewhere, the

opportunity to join the Nazi party might never have arisen. For instance, assume that he had been living in Argentina instead at the time of the war. His Argentinian counterpart would avoid being blamed, despite the fact that he would have joined the Nazi party had he been provided with the opportunity to do so (Nagel, 1979, p. 26). As Enoch and Marmor proclaim, ‘we tend to condemn many Germans who have succumbed to the terror of the Nazi regime and collaborated with it even though we may well suspect that most of us would have succumbed to the same forces as well, had we been in those terrible circumstances’ (Enoch & Marmor, 2007, p. 422).¹⁰⁵

Nagel’s example of the Nazi sympathiser is commonly referred to in the literature on moral luck. However, it could be argued that this example is a combination of circumstantial moral luck and constitutive moral fortune.¹⁰⁶ It is partly a matter of constitutive moral fortune because the personalities and values of the Nazi sympathiser and his Argentinian counterpart would have been shaped differently due to their alternative upbringings. For this reason, I provide a related example that does not contain a confusing combination of circumstantial moral luck and constitutive moral fortune.¹⁰⁷

The case involving Demjanjuk, which was originally discussed in 3.2, provides an alternative to Nagel’s example. Demjanjuk, who was of Ukrainian

¹⁰⁵ To provide a related example, in 1967 at Cubberley High School in Northern California a teacher called Ron Jones ran an experiment on authority in his class. The experiment was known as ‘The Wave’ and set out to show how easily people can succumb to the same forces that influenced the Nazi Germans. At the beginning of the experiment, Jones introduced ‘strict discipline into his lessons and, far from rebelling, the students embrace it with gusto. Within a week, they have devised a uniform, insignia, salute and banners, and eagerly spy on and intimidate schoolmates. The movement swells to more than 200 members who, on the last day, flock to a rally’ (The Telegraph, 2008).

¹⁰⁶ See Chapter Ten for a detailed discussion of constitutive moral fortune.

¹⁰⁷ The problem of resultant moral luck ‘is best illustrated by comparing pairs of cases, in which similarly situated agents perform similar actions, but cause outcomes of widely differing moral significance’ (Levy, 2015, p. 127). Although any scenario can be straightforwardly determined as being morally lucky or non-morally lucky using the formula set out in 3.3.3, I agree with Levy that a discussion of counterfactual scenarios can be used to help identify the problem of moral luck in specific cases.

origin, was captured as a prisoner of war by the Germans during World War Two. He was subsequently offered work as a camp guard with the fanatical Schutzstaffel, which was an opportunity that he seized.¹⁰⁸ During his time as a camp guard, Demjanjuk operated the gas chambers and murdered hundreds of prisoners. A large number of these murders were committed in an extremely violent manner. For example, witnesses have described how he hacked naked victims to death with a sword. As the result of his heinous crimes, Demjanjuk earned the nickname ‘Ivan the Terrible’ and became widely known for his exceptional use of cruelty (BBC News, 2012).

The case involving Demjanjuk is a matter of bad circumstantial moral luck because the circumstances in which he found himself were influenced by luck.¹⁰⁹ In addition, the crimes he committed are of negative moral value. Had his circumstances been different, he would likely have lived a virtuous life. This is evidenced by the fact that he had previously led a morally good life working as a tractor driver. He also led a good life following on from the war by working as a mechanic and raising three children with his wife (The Guardian, 2012).

In spite of the luck in his circumstances, we blame Demjanjuk for his corrupt actions. What is more, in May 2011 he was convicted of 28,060 counts as an accessory to murder and sentenced to five years in prison (The Guardian, 2012). Whether or not we are justified in blaming Demjanjuk may be brought into question because it seems as though we blame and punish him on the basis of the luck in his circumstances. These judgements appear to be in conflict with the Control Principle,

¹⁰⁸ The Schutzstaffel is more commonly referred to as the SS.

¹⁰⁹ Alternatively, an individual who is provided with the opportunity to act virtuously could be the recipient of good circumstantial moral luck.

which implies that we should avoid making moral judgements about those whose actions have been influenced by factors lying beyond their control.¹¹⁰

Example Two: A Moral Quandary

Circumstantial moral luck is also affiliated with genuine moral dilemmas and moral decision making more generally. A genuine moral dilemma arises when an individual is faced with a situation where, regardless of their decision, the result will be morally bad (Statman, 1993, p. 21).¹¹¹ Examples of genuine moral dilemmas could include killing or torture. In these types of cases an individual's actions would be justified, even though they would be bad for their character.

Statman discusses the moral dilemma faced by Agamemnon. The right thing for Agamemnon to do would be to appease the wrath of the Goddess by murdering Iphigenia. However, he has a strong desire not to kill Iphigenia because she is his daughter (Ibid). Owing to the controversy surrounding the existence of genuine moral dilemmas, I focus my discussion on moral quandaries. In these type of cases, alternative courses of action are available. Yet, unlike in cases of genuine moral dilemmas, the outcome of a particular action will not necessarily be of negative moral value.

The Stanford Prison Experiment shows that circumstantial moral luck can be affiliated with moral decision making more generally. The experiment took place in

¹¹⁰ See Statman (2015) for an interesting case of circumstantial moral luck involving self-defence against an innocent attacker. Judith Jarvis Thomson also provides an example of circumstantial moral luck influencing an individual's opportunities. She provides the case of 'Judge Actual' and 'Judge Counterfactual', both of whom would accept a bribe if the opportunity arose, but only Judge Actual is offered the bribe (Thomson, 1993, pp. 206-207).

¹¹¹ As Terrance McConnell writes, 'moral dilemmas, at the very least, involve conflicts between moral requirements' (McConnell, 2014). They only exist based on the assumption that there are many different and incommensurable values. As a result, the 'richer the realm of values, the more vulnerable the moral agent is to bad luck' (Statman, 1993, p. 25, n. 11).

1971 at Stanford University and involved a functional simulation of a prison.¹¹² Philip Zimbardo organised the experiment to document how people's behaviour varies when their circumstances are changed for the worse. Zimbardo began the experiment by advertising for volunteers. Out of those who responded to his advert, 24 middle-class white male students were chosen. The group of volunteers were then split into groups of either 'prisoners' or 'guards'. These groups were chosen at random using the flip of a coin (Zimbardo, 1994-2014).

The guards harassed the prisoners from the beginning of the experiment and this harassment became more severe as the experiment progressed. For example, the guards forced the prisoners to work and exercise for long periods of time. In addition to those punishments, the prisoners were stripped naked and ordered to sleep on the floor. One prisoner was also placed in solitary confinement for a number of hours. Owing to the severity of the harassment, some prisoners rebelled and others left the experiment early after becoming unwell or emotionally distressed. The experiment was originally meant to last two weeks, but owing to the guards' sadistic behaviour and the prisoners' high levels of stress and depression it was terminated after only six days.

¹¹² A different example of a moral quandary concerns the Stanley Milgram experiments. In the experiments a 'teacher' is asked to electrocute a 'learner' every time the learner makes a mistake. The learners pretended to receive the electrical shock. Nonetheless, many teachers continued to electrocute them when told to do so, despite believing that the learners were really feeling pain (Katz, 1987, p. 71). This example is a severe type of what Marcela Herdova and Stephen Kearns refer to as situationist moral luck. To clarify, 'situationism is, roughly, the thesis that normatively irrelevant environmental factors have a great impact on our behaviour without our being aware of this influence' (Herdova & Kearns, 2015, p. 362). They provide a number of interesting examples of situationism that relate to 'the so-called bystander effect, according to which the likelihood of intervention in emergency situations inversely correlates with the number of people present in that situation. In other words, the larger the number of people, the less likely it is that any of these individuals will help' (Herdova & Kearns, 2015, p. 367). Imagine that you witness a person suffering a stroke. Statistically, you are more likely to help if you witness the incident whilst alone and less likely to help if you witness the incident as part of a group. However, whether you are alone or part of a group could depend on the luck in your circumstances.

In this example, moral luck influences the circumstances in which the guards found themselves by presenting them with a moral quandary. The guards had the opportunity to act viciously by being cruel to the prisoners or to act virtuously by being kind to them. Nagel would argue that our judgements in this example are problematic because we blame the guards for their behaviour, irrespective of the influence of moral luck. In accordance with the results of Zimbardo's experiment, the majority of the general public would react in a similar way if they were asked to be guards. Yet, they avoid being blamed because they will never face that particular moral quandary.

Example Three: A Redundant Action

In addition to influencing the opportunities and moral quandaries that an individual could face, circumstantial moral luck can also influence actions in a way that renders them unnecessary or redundant. Consider the following example: Julia is jealous of Samantha's romantic involvement with her partner. She generates a plan that involves tampering with the brakes on Samantha's car with the intention of causing her harm. Julia researches the mechanics of a car's brakes and purchases the necessary tools to tamper with them. However, on the day that she plans to damage the car she discovers that Samantha has already been killed in an unrelated road accident.¹¹³ A problem of moral luck seems to arise in this case because Julia avoids being blamed, regardless of her bad intentions. As it can be seen, these examples elucidate the different ways in which circumstantial moral luck could influence an

¹¹³ See Hsieh for a similar example (Hsieh, 2013, pp. 103-104).

individual's actions. Importantly, they are used to show how our moral judgements in all of these cases appear to contradict the Control Principle.

4.5 The Problem of Resultant Moral Luck

Resultant moral luck differs from circumstantial moral luck because the luck is located in the outcome of an individual's action.¹¹⁴ Statman describes what he takes to be a more general feature of moral luck, which is that an agent is 'judged by the *actual* results of the actions and not just by the agent's good or bad will' (Statman, 1993, p. 15). Though, I argue that this feature specifically relates to the *problem* of resultant moral luck. This is owing to its affiliation with normative issues involving the moral judgements about outcomes of actions, which will be evidenced by the following examples.

Statman identifies two types of cases that are affiliated with resultant moral luck. These include cases of negligence and decisions made under uncertainty (Statman, 1993, p. 14). Additionally, I include two other types of cases that can be affiliated with resultant moral luck. These are cases of failed attempts and actions with unwanted consequences. All of the examples described below fulfil the criteria for resultant moral luck and draw attention to the seeming conflict between our moral judgements and the Control Principle. Hence, they raise specific concerns about the justifiability of our moral judgements in cases of resultant moral luck.

¹¹⁴ Resultant moral luck and circumstantial moral luck are not mutually exclusive. A particular action could be subject to one or both types of moral luck.

Example One: A Negligent Action

Resultant moral luck can influence the outcome of a negligent or reckless action for the worse. Only in exceptionally rare cases could a negligent or reckless action lead to an instance of good moral luck. The agent is usually blameworthy when acting negligently or recklessly because they are performing a wrongdoing. For the purpose of this discussion, negligence is defined as an instance where an individual is unaware of the risk of harm that they are posing to others, but they are responsible for their ignorance. Recklessness is defined as an instance where an individual is aware that their action could pose a risk to others, but they ignore that risk (Hsieh, 2013, p. 150). In some cases of negligence and recklessness a person performs an action that produces a risk of harm to themselves or others, but whether or not that harm actualises is dependent on luck. In this subsection I focus specifically on a discussion of negligence. Nonetheless, the conclusions reached about this case in 9.3 will also be applicable to cases of recklessness.

Consider the scenario of a mother who decided to leave her baby unsupervised at home. She believed that her baby would be safe while she visited her local supermarket. Fortunately, she returned home and found her baby unharmed. Elsewhere, a different mother made the same decision to leave her baby unsupervised at home. She also believed that her baby would be safe by themselves for a relatively short period of time. However, while she was shopping a faulty kitchen appliance started a fire that caused serious injuries to the baby.¹¹⁵

¹¹⁵ Nagel provides a similar example involving someone who leaves their baby in the bath with the water still running. Having realised their error, if they run upstairs and discover that the baby has drowned they would have done something terrible. However, if the baby is found safe they would merely feel as though they had been careless (Nagel, 1979, pp. 30-31).

In this example, the two mothers were negligent to the same degree.¹¹⁶ They both intended to leave their babies unsupervised at home and both acted on the belief that they would be safe. The difference in the examples is that the second mother suffered from bad moral luck because her baby was harmed as the result of her negligence. It seems intuitively correct that the second mother should be blamed more severely than the first mother who returned home to find her baby safe.

This example serves to show how a negligent agent might be blamed more or less severely depending on the impact of resultant moral luck. If this is the case, the Control Principle appears to be violated and the justifiability of our judgements about moral responsibility can be brought into question. The second mother is blamed even though she lacked control over the cause of the house fire. In addition to showing one way in which the problem of resultant moral luck could arise, this example draws attention to a key feature of moral luck. This feature is that the agent contributes in some way to the results of their action, either by acting negligently or by making a deliberate lucky or unlucky decision.

Example Two: An Uncertain Decision

Resultant moral luck can also influence the choices that people make in uncertain circumstances. These are cases where an individual makes a decision to act without knowing what the outcome of their action will be. They differ from cases of negligence because the person involved understands the risks that the outcomes of their decision could bring, but they are unable to eliminate those risks. In contrast,

¹¹⁶ Zimmerman argues that negligence can come in degrees. For example, a person acts less negligently if they take good precautions, whereas a person acts more negligently if they take less care (Zimmerman, 1988, p. 89).

when a person acts negligently they are unaware of the risk of harm that they are posing to others. Statman summarises decisions made under uncertainty as follows:

In this kind of situation, people decide to act in a certain way on the assumption, or in the hope, that their deeds will have a certain outcome. This outcome is essential for their justification yet it cannot be foreseen with certainty. Hence in making these decisions one is taking a moral risk, and only history will show whether one was justified in taking it (Statman, 1993, p. 14).

These types of decisions are prevalent in public and private life. As Nagel affirms, the actual results of a decision ‘influence culpability or esteem in a large class of unquestionably ethical cases ranging from negligence through political choice’ (Nagel, 1979, p. 30). A particular example includes the scenario of a night watchman who leaves his post to rescue a child from an apparent attack. The night watchman does not know if the attack on the child is real or if it is staged as part of a robbery. If the attack is real, he will be a hero for rescuing the child. On the other hand, if the attack is staged, he will be blameworthy for leaving his post (Rescher, 1993, p. 152).

The case involving the night watchman shares resemblances to the fictional case cited by Williams of Eugène Henri Paul Gauguin, who abandons his wife and children in order to move to Tahiti to pursue a career in art. According to Williams, our moral judgements about Gauguin are dependent on the actual outcomes of his decision. If he is successful and becomes a world-class painter his move would be

justifiable and praiseworthy, whereas if he fails as an artist his move would be unjustifiable and blameworthy (Williams, 1993a, p. 38).

In the actual world Gauguin succeeded in his career, whereas in our fictionalised story his justification for abandoning his family and moving to Tahiti seems to depend on resultant moral luck. Williams believes that we would only be justified in praising or blaming Gauguin if his success or failure as an artist is the result of intrinsic luck.¹¹⁷ If Gauguin fails because of intrinsic luck, due to his inability to cultivate his artistic talent, for example, then he is justifiably blameworthy. However, if he fails because of extrinsic luck, such as by suffering a brain injury in a freak accident, his original decision to move is not unjustified (Williams, 1993a, p. 41).

This example shows how resultant moral luck can affect the outcomes of certain decisions. However, Nagel denies that the Gauguin example is a genuine case of moral luck.¹¹⁸ He makes a distinction between moral judgements and non-moral judgements by arguing that moral judgements are ‘universal and objective’ (Statman, 1993, p. 8). He also argues that, ‘if success does not permit Gauguin to justify himself to others, but still determines his most basic feelings, that shows only that his most basic feelings need not be moral’ (Nagel, 1979, p. 28, n. 3).

Thus, Nagel believes that Gauguin’s own retrospective judgements about the justifiability of his decision cannot be moral because moral judgements are unaffected by retrospection. He describes how Williams’ ‘account fails to explain

¹¹⁷ Refer to 1.2 for a definition of intrinsic luck and extrinsic luck.

¹¹⁸ Nagel provides a different example of a decision made under uncertainty. He describes the case of an individual starting a revolution against an authoritarian regime, not knowing whether or not they will be successful. If they are successful they will be hailed a hero, whereas if they are unsuccessful they will be held responsible for causing countless deaths (Nagel, 1979, p. 31).

why such retrospective attitudes can be called moral... it does not show that morality is subject to luck' (Ibid). I do not wish to address Nagel's criticism here other than to mention that, as the discussion in 5.3 will show, his conception of morality can be criticised for being purely Kantian in nature. Nonetheless, I reframe this example by focusing instead on the moral judgements made by others. These differ from Gauguin's own self-assessment of his actions, which is based on hindsight.¹¹⁹

Moral luck affects the outcome of Gauguin's decision because, if he is successful as an artist, he will benefit from good moral luck. His success would be of positive moral value and his decision to abandon his family and pursue a career in art would be vindicated. He may even be praised for his decision to move. Conversely, if he is unsuccessful as an artist, he will suffer from bad moral luck. His failure would be of negative moral value and his decision to abandon his family to pursue a career in art would be unjustified. He might also be blamed for his decision to move. However, if he is judged on the basis of resultant moral luck then our ascriptions of praise or blame appear to be unfair. This scenario also highlights a key feature of moral luck, which is that the agent makes a deliberate lucky or unlucky decision.

Example Three: A Failed Attempt

Resultant moral luck can also cause the failure of an attempted action.¹²⁰ An attempted action could be a virtuous act, which would be the case for someone who

¹¹⁹ Don Levi discusses the case of Gauguin in the context of bohemianism, which is 'the idea that to be creative the artist must live the part' (Levi, 1993, p. 110). He criticises the example by arguing that it gives 'an expression of the idea that being moral is a burden or liability' (Levi, 1993, p. 120). He also writes that 'Williams ignores the importance of character' because he emphasises 'how the justification for Gauguin's choice may depend on how things turn out' (Ibid).

¹²⁰ The literature on impossible attempts could be of relevance to this discussion. For example, Antony Duff describes the scenario of an individual who buys some white powder falsely believing it to be cocaine (Duff, 1990, p. 183). I avoid a discussion of these types of cases because there are

tries and fails to save a drowning child. Alternatively, an attempted action could be a vicious act, which would be the case for someone who unsuccessfully tries to commit murder. In these types of cases, the degree of an individual's praiseworthiness or blameworthiness would depend on whether they accomplished their intended action with the desired outcome.

Consider the example of a woman who, in accordance with the supplier's recommendations, chooses to purchase a particular gun. She then uses the gun to fire at her husband with the intention of murdering him. Unbeknownst to the woman, the gun has a fault that prevents it from firing and, as a consequence, her attempt to murder her husband fails. There seems to be a problem of moral luck because we appear to blame the woman less severely than we otherwise would have done had she successfully shot her husband. Nagel would argue that we would also blame and punish her for the lesser charge of attempted murder, despite being aware that her attempt only failed due to luck. This is made evident by Nagel's discussion of a similar case, during which he comments that 'the penalty for attempted murder is less than that for successful murder – however similar the intentions and motives of the assailant may be in the two cases' (Nagel, 1979, p. 29).

Example Four: An Unwanted Consequence

The impact of resultant moral luck can also mean that the outcome of an action is something different from what the agent intended. For instance, an individual could have a worthy intention whilst performing an action, but due to luck a bad consequence arises. Alternatively, an individual could have a wicked intention, but

disputes in philosophy and legal theory as to whether or not a person really can 'attempt the impossible' (White, 1991, p. 11).

the influence of luck means that their action has a good consequence. Consider the scenario of a supermarket employee who is approached by a customer requesting their help with transporting a new television to a nearby car. The employee helps the customer believing that they are in genuine need of assistance. However, she later discovers that the customer had not purchased the television and that she had unwittingly assisted them with theft.

In this example, the employee has the worthy intention of wanting to help the customer, but the outcome of her action resulted in something bad. There seems to be a problem of moral luck because we feel as though the employee is blameworthy for failing to prevent the theft, even though it was a matter of luck that she happened to be approached by the thieves. She lacked control because she did not know which supermarket they would visit or which particular shop assistant they intended to deceive. She was also unaware that the customer was disingenuous.

Overall, these examples elucidate the different ways that resultant moral luck could arise and also what Nagel and those who believe that there is a problem of resultant moral luck would find puzzling. More specifically, they draw attention to the seeming conflict between our moral ascriptions of praise and blame and the Control Principle. In the ensuing chapter I will critically examine some of Nagel's presuppositions that guide his understanding of the problem of moral luck. I argue that his beliefs concerning the Control Principle and the nature and purpose of our moral judgements are faulty. Ultimately, this will help to show in Chapter Nine that, despite initial appearances, there is no problem of circumstantial moral luck or resultant moral luck in these cases.

5

A Critique of Nagel

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In this chapter I critically analyse some of Nagel's pre-theoretical intuitions relating to moral luck. This analysis encompasses three different criticisms of Nagel's argument, which work in conjunction to show that the existence of moral luck poses less of a difficulty than he believes. In brief, I argue that his requirement of control is not necessary for moral responsibility. I also argue that he mistakenly confuses the justifiability of moral judgements with the justifiability of legal judgements and that he is wrong to assume that our common conception of morality is purely Kantian in nature.

In slightly more detail, the first argument concerns the Control Principle, which is essential to his understanding of the problem of moral luck. Nagel holds that responsibility cannot correctly be ascribed to those whose characters or actions have been affected by factors lying beyond their control. Hence, he interprets 'control' as 'total control'. I suggest that we should adopt a more natural interpretation of control, which is capable of showing that people exercise control over many actions for which they can be held accountable.

The second argument draws attention to the distinction that can be made between moral judgements and judgements of legal desert. In his discussion of moral luck, Nagel highlights the disparity that can be found between the legal punishments inflicted upon non-morally lucky and morally lucky individuals. I agree that the legitimacy of legal penalties is often influenced by luck, but disagree that the legitimacy of moral judgements is affected in a similar way. This means that it would be perfectly acceptable for two correspondingly negligent people to be blamed equally, yet punished differently on the basis of luck.

The final argument examines the nature of our common notion of morality. Nagel assumes the plausibility of Kant's moral philosophy, but he then discovers cases where people are judged for things that lie beyond their control. I contend that our common conception of morality is actually a combination of Kantian and Aristotelian elements.

5.1 Undermining the Control Principle

A key argument in this chapter is that Nagel's condition of control is too demanding. He is wrong to assume a standard of total control because, in spite of his claim to the contrary, it is not an intuitively acceptable condition for moral responsibility. As Diana Hsieh similarly remarks, 'his control condition is far too demanding for human agents to satisfy – and inconsistent with our ordinary standards for praise and blame' (Hsieh, 2013, p. 43).

It should be noted that Nagel's condition of control aims to capture our pre-reflective understanding of moral responsibility. His understanding of control does not belong to a theory about what makes an individual responsible. Prior to discussing this further, it is important to identify the problem of moral luck in terms of a paradox, which highlights the seeming incompatibility between morality and control.

The Control Principle emphasises that 'we are morally assessable only to the extent that what we are assessed for depends on factors under our control' (Nelkin, 2013). Nagel argues that many moral judgements are unjustified because they contradict the Control Principle. He says, 'a person can be morally responsible only

for what he does; but what he does results from a great deal that he does not do; therefore he is not morally responsible for what he is and is not responsible for' (Nagel, 1979, p. 34). For ease of clarification, the paradox of moral luck can be articulated slightly differently:

- (a) A person can be morally responsible only for what he does
- (b) But what he does results from a great deal that he does not do
- (c) Therefore, he is not morally responsible for what he is and is not responsible for (Ibid).

I argue that Nagel's argument is invalid because, although premises (a) and (b) are true, conclusion (c) is false. People can justifiably be held morally responsible for the things that they are responsible for. More specifically, people can be held morally responsible for their voluntary actions, irrespective of the influence of luck. Ultimately, Nagel is correct to declare that there is circumstantial moral luck and resultant moral luck, but he is wrong to believe that morally lucky individuals can never be held responsible for their actions.¹²¹ To see where part of his argument unravels, the suggestion that moral luck poses a serious threat to morality needs to be examined:

The problem develops out of the ordinary conditions of moral judgment. Prior to reflection it is intuitively plausible that people cannot be morally assessed for

¹²¹ For alternative theories that try to undermine the Control Principle see Robert Merrihew Adams (1985) and Michael Otsuka (2009).

what is not their fault, or for what is due to factors beyond their control... Without being able to explain exactly why, we feel that the appropriateness of moral assessment is easily undermined by the discovery that the act or attribute, no matter how good or bad, is not under the person's control... a clear absence of control, produced by involuntary movement, physical force, or ignorance of the circumstances, excuses what is done from moral judgment. But what we do depends in many more ways than these on what is not under our control – what is not produced by a good or bad will, in Kant's phrase. And external influences in this broader range are not usually thought to excuse what is done from moral judgment, positive or negative (Nagel, 1979, p. 25).

At first glance, Nagel's assumption that people are responsible only for the things that they control appears to be plausible. To illustrate, we blame a car driver who purposefully runs over a cat, but we would not usually blame a person who hits an animal by accident. The reason our attributions of blame differ, it seems, is because one driver exercised control over their decision to injure an animal, whereas the other driver did not.

If we follow Nagel's line of reasoning to its logical conclusion, it would mean that nobody could ever be held responsible for any of their actions. As he himself

acknowledges, ‘everything seems to result from the combined influence of factors, antecedent and posterior to action, that are not within the agent’s control. Since he cannot be responsible for them, he cannot be responsible for their results’ (Nagel, 1979, p. 35).¹²²

The conclusion that Nagel reaches here appears to be counterintuitive. Reflect again on the scenario involving the intoxicated driver who happened to strike a child.¹²³ Even though she made the decision to drive whilst inebriated, there were many other factors that she lacked control over. Crucially, she could not control whether the child ran into the path of her car and, subsequent to the accident, she lacked control over the level of injury sustained by the child.

Having been provided with these details, most of us would still feel as though the motorist should be held responsible for her decision to drive whilst intoxicated. Nevertheless, we are aware that the harm caused to the child resulted from the combined influence of many factors over which she lacked control. Our feelings in this case are illustrative of Statman’s more general point, which is that ‘on the one hand, we believe that one can be held responsible only for what is under one’s control, whereas, on the other hand, we have to recognize the bitter truth that luck is everywhere’ (Statman, 1993, p. 11).

As it has previously been discussed, the problem of moral luck is an issue concerning the responsibility of those whose actions have been affected by luck. Owing to his commitment to the Control Principle, Nagel believes that responsibility requires an individual to exercise complete control over an event. He says, ‘it seems irrational to take or dispense credit or blame for matters over which a person has no

¹²² See 1.2.

¹²³ This example was originally discussed in 3.3.2.

control, or for their influence on results over which he has partial control' (Nagel, 1979, p. 28). However, there is nothing that an individual can exercise total control over. As a result, we could never be justified in morally appraising others. Nagel recognises this problem in the following passage:

If the condition of control is consistently applied, it threatens to erode most of the moral assessments we find it natural to make. The things for which people are morally judged are determined in more ways than we at first realize by what is beyond their control. And when the seemingly natural requirement of fault or responsibility is applied in light of these facts, it leaves few pre-reflective moral judgments intact. Ultimately, nothing or almost nothing about what a person does seems to be under his control (Nagel, 1979, p. 26).¹²⁴

Brynmor Browne argues that Nagel's condition of control is unrealisable. Though, he goes on to agree with Nagel that we have a deep-rooted intuition that the control condition, which he construes as the condition that an agent must act as a complete instigator of their actions, is a requirement for human agency (Browne, 1992, p.

¹²⁴ Nagel later says that 'the problem has no solution, because something in the idea of agency is incompatible with actions being events, or people being things. But as the external determinants of what someone has done are gradually exposed, in their effect on consequences, character, and choice itself, it becomes gradually clear that actions are events and people things. Eventually nothing remains which can be ascribed to the responsible self, and we are left with nothing but a portion of the larger sequence of events, which can be deplored or celebrated, but not blamed or praised' (Nagel, 1979, p. 37).

348). Ultimately, Browne accepts that there is moral luck, but attempts to alter our moral practices. He suggests that no problem of moral luck would arise if we responded to wrong-doing in the correct manner. For instance, he believes that the correct response to someone who has been affected by bad moral luck would not be to blame them, but rather to express anger towards them in the hope that they feel remorse.¹²⁵ This anger must be of a specific type and should not involve any kind of hostility. Furthermore, it will vary depending on the situation. As he declares, ‘the only kind of suffering that truly fits the crime is remorse which arises out of the wrong-doer's realization of the wrongness of his deed’ (Browne, 1992, p. 351).

Reconsider the scenario of the two mothers who negligently left their babies unsupervised at home. According to Browne, we would be justified in expressing more anger towards the mother whose baby was harmed in comparison to the mother of the baby who was unharmed. This response fits in with his ultimate aim of reconciling ‘our conflicting intuitions by accommodating them within a range of reactions to wrong-doing which does not leave us with the problem of moral luck’ (Browne, 1992, p. 345).

Nevertheless, his suggested response to the problem of moral luck faces criticism. He proposes that we should rid ourselves of moral responses of praise and blame in favour of ethical responses, which could include judgements of admirability or deplorability. However, it is unclear why ethical judgements would yield less

¹²⁵ Byron Williston similarly understands ‘blame’ in terms of feelings of ‘guilt, remorse and so on’ (Williston, 2006, p. 564).

problematic results than moral judgements, and so there could be a problem of *ethical* luck in these types of examples.¹²⁶

I argue that Browne and Nagel are wrong to assume that the requirement for total control is a requirement for human agency. In fact, the problem of moral luck is exacerbated by this demanding criterion, which can otherwise be understood in terms of ‘regressive control’. Simply put, regressive control means that ‘control of X requires control of X’s causes as well as of X itself’ (Hurley, 2003, p. 111). When we move back through the causal chain an individual’s choice will eventually disappear and ultimately so will their responsibility. The notion of regressive control is evidenced by Nagel’s comment about how what we do is gradually eroded by ‘the subtraction of what happens’ until responsibility ends (Nagel, 1979, p. 38). He also writes that we should not accept a more refined condition of control because the Control Principle is an intuition that cannot be denied (Nagel, 1979, pp. 26-27).¹²⁷

It would therefore be a mistake to argue from the
unacceptability of the conclusions to the need for a
different account of the conditions for moral

¹²⁶ Michael Slote dismisses moral judgements in favour of ethical judgements (Slote, 1992, p. 121). However, as Athanassoulis points out, his position can also be criticised because he offers no satisfactory argument in favour of neutral ethical judgements (Athanassoulis, 2005, pp. 144-146). It could be further questioned whether ‘we are left with enough of our ordinary conception of morality to include genuine notions of blame and responsibility’ (Nelkin, 2013). Williams is similarly disinclined to favour one kind of judgement over another (Williams, 1993b, p. 254).

¹²⁷ In view of Nagel’s demanding condition of control, it could be argued that moral luck is only problematic for an ‘overly idealized conception of human agency’ (Nelkin, 2013). As Margaret Urban Walker observes, there is a similarity between Nagel’s requirement of control and the Kantian conception of a ‘noumenal’ or pure agent. She says, ‘the view against which moral luck offends is that of pure agency: agency neither diluted by nor implicated in the vagaries of causality at all, or at least not by the causality external to the agent’s will’ (Walker, 1993, p. 244). She describes how a world where the Control Principle is defended is not a world that we would want to live in. The reason is that the responsibilities of pure agents would be less than the responsibilities of impure agents. Such a world would be undesirable because people do not exercise control over many of the things for which we take them to be responsible (Walker, 1993, p. 245).

responsibility. The view that moral luck is paradoxical is not a *mistake*, ethical or logical, but a perception of one of the ways in which the intuitively acceptable conditions of moral judgement threaten to undermine it all (Nagel, 1979, p. 27).

Despite Nagel's assertion, the paradox of moral luck is created using a faulty account of control because it fails to correctly capture people's intuitions about moral responsibility.¹²⁸ In his book entitled *The View from Nowhere*, Nagel himself acknowledges that human beings cannot exert total control over everything:

Ethics cannot make us omnipotent: if we wished to close the gap between explanation and justification completely, it would mean willing the entire history of the world that produced us and faced us with the circumstances in which we must live, act, and choose. Such *amor fati* is beyond the aspiration of most of us (Nagel, 1986, p. 135).

The unattainability of this standard of control is not damaging to Nagel's argument. Rather, it is a problem because such a standard of total control is not an intuitively acceptable condition for moral responsibility. Michael Moore puts forth an argument

¹²⁸ My argument draws heavily on the work of Hsieh, who similarly criticises Nagel's condition of control by appealing to the arguments put forth by Browne, Moore, and Zimmerman (Hsieh, 2013, pp. 49-54).

to show why Nagel's condition of control is not the deep-rooted intuition that he believes. To do so, he draws a comparison between Nagel's condition of control and the test used in law to find a proximate cause:

Nagel is surely wrong about his idea of control being built into our ordinary idea of moral assessment. When we approximately cause just the harm we intended to cause by our actions, we have not lacked control as we use that phrase in ordinary moral assessments. The actor who lights the bushes in order to burn the forest, and whose act causes the burning of the forest without the intervention of any abnormal or freakish factors, is in control of that result, as we ordinarily use the word "control". Only would-be forest burners whose acts bring about the destruction of the forest in a chance or freakish way lack control in this sense, because their choices do not cause the harm. Nagel's stringent idea of control – where to control a result is to control all factors necessary to that result, even the normally occurring factors – finds no resonance in the ordinary notion of control, nor in the ordinary notion of moral assessment (Moore, 1994, p. 257).

Moore correctly criticises Nagel's condition of control for being too stringent.¹²⁹ As an alternative, he suggests that luck should be understood in terms of something that is freakish or outside of the norm. This is further evidenced by his comment that, 'by our ordinary moral and legal notions, the freakishness or chance of the causal route does make a moral difference, but there is no moral luck involved in being more to blame for the non-freakish result of one's acts. Luck, in Nagel's sense that is dependent upon partial lack of control, is simply alien to this analysis' (Moore, 1994, p. 256).¹³⁰ This notion of freakishness or abnormality coincides with the intuitions that the modal condition attempts to capture. However, as the discussion in 2.2 made evident, the Modal Account of Luck runs into problems because it identifies certain non-lucky events as lucky.

5.1.1 Restricted Control and Unrestricted Control

¹²⁹ Moore argues that we should focus on an individual's first person feelings of guilt, as opposed to third person judgements of moral responsibility (Moore, 1994, p. 268). He believes that we should react to those who have been affected by moral luck with the appropriate attitudes of guilt or resentment. Reconsider once again the case of the two intoxicated drivers. Given this scenario, he would argue that we should resent the intoxicated driver who caused harm to the child more than we should resent the intoxicated driver who arrived home safely. In addition, the driver who hit the child is likely to feel extra guilt in comparison to the other driver. Proceeding from such an analysis, he reasons that 'we *are* more blameworthy when we cause some evil, than if we merely try to cause it, or unreasonably risk it. The reason we *feel* so guilty in such cases is because we *are* so guilty' (Ibid). However, Moore can be criticised because he does not offer any rational justification for our judgements in cases of moral luck other than to rely on our emotional responses (Hsieh, 2013, p. 51).

¹³⁰ Moore suggests that 'the label 'moral luck' poorly casts the moral issue here. This is mostly because the 'moral luck' label presupposes a quite non-idiomatic idea of *luck*. On this peculiar idea of *luck*, there is luck involved when someone dies because we put a gun at their head and pull the trigger intending to kill them. (There is luck involved, it is said, because we did not control whether a dud, lack of a bullet, or a sudden bird, prevented the death or not.) Our ordinary notion of 'luck' has no truck with such cases. Only if the death that occurred was unlikely, caused in some freakish way, unforeseeable and unpredictable, etc, would we ordinarily talk of there being any *luck* involved in the death' (Moore, 2009, p. 23).

Zimmerman attempts to shed light on how to interpret 'control'. He does so by making a distinction between 'restricted control' and 'unrestricted control':

Roughly, one may be said to enjoy restricted control with respect to some event just in case one can bring about its occurrence and can also prevent its occurrence. One may be said to enjoy unrestricted or complete control with respect to some event just in case one enjoys or enjoyed restricted control with respect both to it and to all those events on which its occurrence is contingent. Thus an event may be beyond someone's control either in the sense that it is not in his unrestricted control or in the stronger sense that it is not even in his restricted control (Zimmerman, 1993, p. 219).

Utilising this distinction, Zimmerman proposes two different accounts of moral luck.

The first version is as follows:

- 1a. P is morally responsible for e's occurring only if P was in restricted control of e.
- 2a. No event is such that anyone is ever in restricted control of it.

Therefore

3. No event is such that P is morally responsible for its occurring (Zimmerman, 1993, p. 220).

Zimmerman dismisses this version of moral luck because 2a is clearly false. People exercise restricted control over many things. To name just a few examples, people can exercise restricted control over whether they act kindly towards others, whether they act on impulse or whether they eat well and exercise. He therefore goes on to develop a second version of moral luck that is characterised by a theory of unrestricted control:

- 1b. P is morally responsible for e's occurring only if P was in unrestricted control of e.
- 2b. No event is such that anyone is ever in unrestricted control of it.

Therefore

3. No event is such that P is morally responsible for its occurring (Ibid).

It is this understanding of control that Nagel seems to have in mind when he discusses moral luck.¹³¹ As some of his passages quoted above make evident, he accepts the plausibility of an account of unrestricted control. With regards to this formulation, 2b appears to be valid because luck is prevalent in human life. Even so, this account should be dismissed since the requirement in 1b that people can only be responsible for events that lie within their unrestricted control is too demanding.

¹³¹ Zimmerman asserts that Feinberg and Williams also refer to this account of control in their discussion of moral luck (Zimmerman, 1993, p. 221).

As David Concepcion makes clear, no one can control being born and everything else is contingent on that fact (Concepcion, 2002, p. 459). Zimmerman similarly points out that ‘no one is in control of his being born – an event on which all of his decisions, actions, omissions, and the consequences thereof are contingent. And we all recognize this. Why should anyone think that our received conception of moral responsibility implies otherwise?’ (Zimmerman, 1993, p. 222).

It can subsequently be seen that neither account of moral luck is convincing. Nevertheless, Zimmerman proposes an overall solution to the problem of moral luck by arguing that ‘unfairness does *not* consist in ascribing moral responsibility to one of the parties involved but, rather, in not ascribing it to the other’ (Zimmerman, 1993, p. 226). He holds that both intoxicated drivers are equally morally responsible for driving whilst inebriated, but the driver who injured the child should be held additionally responsible for the extra harm that has been caused (Zimmerman, 1993, p. 227). In alternative terms, the degree of responsibility of both drivers is the same, but their scope of responsibility is different.

As the example involving the intoxicated drivers illustrates, judgements of scope and degree of responsibility in cases of resultant moral luck can usually be made without difficulty. In contrast, these judgements are less straightforward in cases of circumstantial moral luck. Reflect again on the case described in 4.4 involving Julia and Samantha. To briefly recap, Julia created a plan to tamper with the brakes on her love rival Samantha’s car. However, her plan was scuppered at the last moment when Samantha was killed in an unrelated accident.

In this scenario there is nothing that Julia can be held responsible for, which means that the *scope* of her responsibility is zero. In contrast, the *degree* to which she

should be held responsible will remain the same regardless of whether she successfully went ahead with her plan or whether it was rendered unnecessary at the last moment. This is because she is responsible *tout court* or, in other words, she is responsible *in virtue of* something (Zimmerman, 2002, pp. 564-565). In this instance, she is responsible in virtue of the fact that she would have tampered with the brakes on Samantha's car had she been provided with the opportunity to do so.

Zimmerman's solution to the problem of moral luck therefore relies on the key distinction that he makes between the scope and degree of responsibility (2002, 2006, and 2015). This distinction is criticised by Darren Domsky, who writes that 'if I can be responsible for an additional thing without being more responsible, this means that this thing I am responsible for adds zero degrees of responsibility to my net degree of responsibility. This implies that I must be zero degrees responsible for the additional thing' (Domsky, 2004, p. 453).¹³² It would be wrong to hold a person responsible without them actually being responsible *for* something. Despite this criticism of his proposed solution to the problem of moral luck, Zimmerman is correct to show that the condition of unrestricted control that Nagel endorses is too demanding.

5.1.2 An Alternative Account of Control

¹³² Zimmerman's solution is also criticised by Dana Nelkin, who argues that some of the counterfactual scenarios to which he appeals lack truth value (Nelkin, 2013). In response, Zimmerman asserts that he is 'dubious whether any of the relevant counterfactuals are in fact without truth value; it seems much safer simply to say that their empirical verification is very hard to come by' (Zimmerman, 1993, p. 229). To provide an example, he says that 'one can imagine setting up controlled laboratory conditions in order to test the noncollaborator's propensity to collaborate and being able to draw a fairly well founded conclusion as to the truth value of the relevant counterfactual' (Ibid).

As it has been shown, Nagel generates the problem of moral luck based on a faulty intuition regarding the justifiability of a standard of 'total control' (Hsieh, 2013, p. 53). For this reason, a more reasonable condition of control is required. As an alternative to Nagel's conception, control can instead be understood by reference to a voluntarist theory of moral responsibility. For example, Michael McKenna summarises Angela Smith's (2008) more general requirement for voluntary control, which 'treats the voluntary as involving a species of direct control over action... that takes the voluntary to be located in choice, and that conceives of choice as involving deliberate undertakings' (McKenna, 2008, p. 30).

On the other hand, McKenna himself offers a wider conception of voluntarism by understanding it as the thesis that 'the only objects of direct moral responsibility are free actions, where *free* entails all that is required for the control condition for moral responsibility' (Ibid). Although voluntarism can be formulated in a number of different ways, it can be summarised as being a collection of views that have something to do with the notions of control, agency, and moral responsibility. As I will go on to discuss in 8.1.1, I advocate a philosophical account of control based on Aristotle's theory of voluntary action, which helps to capture our pre-theoretical intuitions regarding these notions while also providing justification for our moral judgements in cases of luck.

In the meantime, it is worth mentioning how we instinctively believe that ascriptions of praise and blame attach to those whose actions have their origin in the agent and are not forced. To provide an example, we would avoid praising a person for donating their inheritance to charity if this had been specified by their parents in their will. The reason is that they had no option other than to donate the money.

Likewise, we would not blame a person for attacking another if they had a brain injury that caused them to act aggressively. Interpreting control in this way shows that the problem of moral luck is less pervasive than Nagel believes. The impact of moral luck is also lessened upon the realisation that Nagel fails to make the relevant distinction between the nature and purpose of moral judgements in comparison to legal judgements, which I will now discuss in greater detail.

5.2 Moral and Legal Judgement

Nagel describes the problem of moral luck partly in terms of the effect that luck has upon an individual's legal liability.¹³³ For example, when reflecting on the case involving the two intoxicated drivers he describes how the driver who kills someone 'would probably be prosecuted for manslaughter. But if he hurts no one... he is guilty of a far less serious legal offence' (Nagel, 1979, p. 29).¹³⁴ On his account, there is no morally significant difference between reckless driving and manslaughter (Nagel, 1979, p. 25). However, as the following comment by Nafsika Athanassoulis serves to show, his position can be criticised:

The appropriateness of a particular legal punishment
should not lead us to draw conclusions about moral
blame, because of the specific nature of the law. In the

¹³³ Alec Walen discusses the impact of moral luck on legal culpability and argues that individuals should be accountable for the things that result from their choices. This includes events that have been affected by resultant moral luck (Walen, 2010, p. 373). Though, observe that choice subjectivists attempt to exclude resultant luck from their theorising on legal philosophy (Duff, 1996, p. 327).

¹³⁴ Nagel also mentions the 'penalty' for attempted murder in cases where the attempt fails due to luck (Nagel, 1979, p. 29).

interests of justice, because of the epistemic difficulties with establishing a person's intentions, the law can only punish cases where there is an established *actus reus*. It is when this legal requirement is applied to cases of fortunate drunk driving that we end up with a result that differs from the actual decision about moral blame, since it is crucial for the law that the act was not a *legal* crime, a fact which can be morally irrelevant (Athanasoulis, 2005, p. 59).

The difference between reckless driving and manslaughter is legally significant, but not morally significant. Both intoxicated drivers are equally blameworthy for their decisions to drive recklessly because these are reflective of their bad characters. Whether or not they injure another person is irrelevant to their blameworthiness for driving whilst intoxicated.¹³⁵ Given this, the more general point that can be made is that the justifiability of moral judgements has no bearing on the justifiability of legal punishments.

The law typically punishes people differently in cases of luck because legal judgements serve certain purposes. To illustrate, it could be justifiable to punish one intoxicated driver for reckless driving and another for the more serious crime of manslaughter if their punishments serve as retribution for the harm that they have caused. As an alternative, their punishments could serve to act as a deterrent or to assist with their rehabilitation. Accordingly, the legal punishment that a person

¹³⁵ I will justify this position in Chapter Nine.

deserves is likely to vary depending on how lucky or unlucky they have been, but this does not mean that their praiseworthiness or blameworthiness should vary based on luck too.

Dickenson similarly argues that Nagel's comments relating to the intoxicated driver case confuses moral responsibility and legal responsibility. Instinctively, we think that the driver should recognise the recklessness of driving whilst inebriated and vow not to repeat the same behaviour in future, regardless of any harm that has or has not been caused by their actions. In alternative terms, we blame the driver 'whether or not an accident occurs, presuming that we get to hear of his conduct, and whether or not he is punished by the force of the law' (Dickenson, 1991, p. 27).

In addition to the discrepancies that can be found between moral judgements and legal judgements in cases of luck, there are also discrepancies between moral judgements and other types of formal sanctions imposed by others. Consider the scenario of an employee who failed to present her work at an important meeting because she was delayed due to severe traffic congestion. The woman could face a formal warning by her employer, but this sanction would be unrelated to her moral blameworthiness for being late. Nagel fails to draw the relevant distinctions between these types of judgements and, as the ensuing discussion will make evident, his assumptions concerning the plausibility of the Kantian conception of morality are faulty too.

5.3 Theories of Morality

Proponents of the Control Principle tend to advocate the Kantian conception of morality, which is founded on the idea that individuals are autonomous agents who can only be praised or blamed for the things that they exercise total control over. In this context, praise and blame signifies reward and punishment. Generally speaking, these concepts are used to mark a person's so-called 'moral record' or 'moral ledger'.

The problem of moral luck arises when moral worth is judged on the basis of luck in this way. On Kant's moral theory, judgements of praise and blame are used as comparative judgemental exercises and are representative of an individual's ultimate deserts. Throughout his discussion of moral luck, Nagel adopts a Kantian framework of morality. As he says of praise and blame, 'we are judging *him*, rather than his existence or characteristics' (Nagel, 1979, p. 36).

Reflect once more on the case involving the two intoxicated drivers. Nagel argues that we blame the driver who harmed the child more severely than the driver who arrived home safely. He endorses the Kantian conception of blame, which means that he is trying to say something about the damage caused to the drivers' moral records. He implies that we think of the first driver as a morally worse person in comparison to the second driver and that this is an unfair observation to draw on the basis of luck.

In opposition to Nagel, I argue that our common conception of morality is Aristotelian as well as Kantian in nature. Unlike Kant, Aristotle is not concerned with moral worth. As an alternative, he stresses that 'virtue and vice and the deeds to which they give rise are praiseworthy or blameworthy' (*EE* 1223a10-13 trans.

Solomon).¹³⁶ He avoids talking about the lasting credit or discredit caused to a ‘moral record’ and neither does he mention any type of condemnation by God nor by an ultimate judge. Instead, praise and blame serve a communicative function. They help to aid human interaction by maintaining our relationships and they assist with the shaping of our moral ideals through the promotion of virtuous activity.¹³⁷

To clarify, ‘a central issue at stake in attributions of responsibility is the expectations that people have of one another... praise and blame are clearly working to clarify and reinforce these expectations – in other words, they provide for a form of moral education’ (Williams, 2015). For example, we could praise someone to show to others that they have a worthy and emulable character. In contrast, we could blame someone to indicate to others that they should avoid being treated as an ethical exemplar.¹³⁸ The differences that can be found between Aristotelian blame and the type of blame that is typically associated with Kant’s moral theory is discussed in more detail by John Cooper:

Aristotelian blame, if displayed to *them*, *will* be aimed
primarily at influencing *them* as self-conscious agents,

¹³⁶ Virtue ‘is about feelings and actions. These receive praise or blame if they are voluntary’ (*EN* 1109b30-32). In the *Magna Moralia* (*MM*) Aristotle writes that ‘it would be absurd to legislate about those things which are not in our power to do. But, as it seems, it is in our power to be virtuous or bad. Again, we have evidence in the praise and blame that are accorded’ (*MM* 1187a19-21 trans. Stock). As Garrath Williams highlights in his discussion of Aristotle, ‘praise and blame help us live together in a world where ultimate deserts are impossible to make out, if they exist at all. But just because we cannot make out people’s “moral worth”, it is still true that we need to take responsibility’ (Williams, 2015).

¹³⁷ Some who deny that moral luck is a problem do so by distinguishing between blameworthiness and the justification for blame-related responses. See Enoch (2010), Enoch and Marmor (2007), Henning Jensen (1993), Levy (2005), Norvin Richards (1993), and Zimmerman (1993).

¹³⁸ In summary, ‘Aristotle’s account of praise and blame is based on: (i) how far acts reveal character; (ii) the fair distribution of responsibilities to act; and (iii) the attempt to exchange reasons, share standards, and maintain relationships with those whom we judge – and who judge us in turn’ (Williams, 2015).

to think about what they have done, in case they might on reflection see for themselves good reasons why they should not act in those ways. This need not involve wanting them to feel bad, and certainly won't involve judging them "morally" and wanting them to feel excluded from the community until they pray to God for forgiveness or make sincere promises not to behave that way in future (Cooper, 2012, p. 55).¹³⁹

As Cooper describes, morality in the Kantian sense is linked to the idea of reward and punishment.¹⁴⁰ Whether or not a person struggles internally with the best course of action is irrelevant to Kant, whereas Aristotle stresses that a virtuous agent must desire to do the right thing. An additional difference between the two theorists concerns the way that moral luck undermines control. This point is important to Kant, but trivial to Aristotle. For Aristotle, certain factors such as force or ignorance undermine the control that a person exercises over their actions. However, he is more concerned with the impediment caused by these factors upon virtuous activity.¹⁴¹

To provide an example, imagine that someone is forced at gunpoint to smuggle drugs. They have no meaningful alternative courses of action available to

¹³⁹ It is to be observed that the page numbers referred to and the bibliography entry of Cooper's article relate to a version of the article posted on the website www.princeton.edu. This version of the article has been used because the University of Hull does not have access either in paper or electronic form to the peer reviewed journal in which the article has been published. The bibliographical entry for the peer reviewed version of this article can be found here: John M Cooper, 2013. 'Aristotelian Responsibility.' *Oxford Studies in Ancient Philosophy* 45: 265-312.

¹⁴⁰ Williams says that 'morality wants to understand everyday blame as a finite anticipation of a divine, perfect, judgement, but blame cannot be coherently understood in those terms' (Williams, 1993b, p. 254).

¹⁴¹ See 8.1.1 and 8.1.2 for a detailed discussion pertaining to the effects of force and ignorance on voluntary action.

them other than to give in to the demands of the person holding the gun. Subsequently, their control over the situation is undermined. This is a problem for the validity of our moral judgements because we can only make inferences about a person's virtuous or vicious character based on the actions that they perform voluntarily.

Regardless of the differences between these two accounts of morality, it is unnecessary to make such a sharp distinction between Kantian and Aristotelian blame. Both can be understood as types of moral blame because the word 'moral' is imprecise (Andre, 1993, pp. 125-126). Morality can therefore be thought of in both an Aristotelian and Kantian sense, which means that a praiseworthy individual should not necessarily be rewarded and a blameworthy individual should not necessarily be punished (Andre, 1993, p. 126-127). Hence, the distance between the moral judgements we make about non-morally lucky agents in comparison to morally lucky agents are 'neither derived from nor inconsistent with Kantianism' (Andre, 1993, p. 128).

To round off, I have examined three different problems with Nagel's basic presuppositions regarding moral luck. First, his demanding condition of control necessitates a more natural interpretation of control. Second, he fails to recognise the relevant distinction between moral judgements and legal judgements. Moral judgements of praise and blame should be justified independently of legal penalties or other types of formal sanctions. Third, his assumption that our common notion of morality is purely Kantian in nature is mistaken. Morality can be thought of in Aristotelian as well as Kantian terms, which means that judgements of praise and

blame in cases of moral luck pose less of a difficulty than he believes. I will now go on to highlight some key reasons why Kant's moral theory can be criticised.

6

Kant on Moral Luck

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Overall, I will propose a solution to the problem of moral luck that is inspired by Aristotle, but perhaps there are other ways to understand moral luck. In this chapter I consider the orthodox interpretation of Kant, according to which he denies the existence of moral luck.¹⁴² However, the secondary literature shows that the orthodox interpretation is not an entirely accurate depiction of his moral theory. Kant is in fact committed to the position that there is moral luck and, accordingly, he cannot be charged with ignoring the dilemma posed by the phenomena. Nevertheless, I argue that both the orthodox interpretation of his moral theory and his revised position can be criticised. I shall not give a full exegesis and discussion of Kant's moral theory, but I aim to say enough to show that his position on moral luck is unconvincing.

6.1 Kantian Orthodoxy

Nagel expresses the widely held belief that Kant's moral philosophy does not allow for the workings of luck. He says, 'good or bad luck should influence neither our moral judgement of a person and his actions, nor his moral assessment of himself' (Nagel, 1979, p. 24). This means that morality is of the highest value and invulnerable to the contingencies of luck. The good will forms part of the intelligible world, which is a world where it is unconditionally good. In other words, it is something that is unaffected by luck and it is the only thing that can be the object of our moral assessments. This assumption is elucidated in terms of the belief that 'our true worth, indeed our true being, is something isolable and pure which is not subject

¹⁴² The denial of moral luck is a potential reason as to why there have been limited considerations pertaining to a Kantian solution to the problem of moral luck thus far in the literature.

to the contingencies and vicissitudes of our empirical surrounds but is itself, to some degree, transcendent' (Moore, 1990, pp. 297-298). The idea that luck has no bearing on morality is put forward in the following passage of the *Groundwork of the Metaphysic of Morals*.¹⁴³

A good will is not good because of what it effects or accomplishes – because of its fitness for attaining some proposed end: it is good through its willing alone – that is, good in itself. Considered in itself it is to be esteemed beyond comparison as far higher than anything it could ever bring about merely in order to favour some inclination or, if you like, the sum total of inclinations. Even if, by some special disfavour of destiny or by the niggardly endowment of step-motherly nature, this will is entirely lacking in power to carry out its intentions; if by its upmost effort it still accomplishes nothing, and only good will is left (not, admittedly, as a mere wish, but as the straining of every means so far as they are in our control); even then it would still shine like a jewel for its own sake as something which has its full value in itself (G, 4: 394).

¹⁴³ This passage was originally discussed in the Introduction.

Kant's assertion that the good will is good unconditionally means that his moral theory can be understood as being egalitarian in the following sense: rationality forms part of the intelligible world; so morality is equally available to everyone, regardless of their past or present circumstances, dispositions or other constitutive factors.¹⁴⁴ Some will find it easy to achieve virtue by making the correct choices, whereas others may find it more difficult. Yet, everyone has the potential to be moral and so there is a shared immunity to luck.

As a case in point, a person cannot blame an evil action on constitutive factors or on matters of circumstance because every action is derived from the use of reason, which is available to all.¹⁴⁵ In view of this, morality is grounded on the assumption that people are autonomous agents capable of moral reasoning. Kant's categorical imperative, or moral law, is connected with the idea of an individual's freedom to act. This is made evident in the following passage of *The Metaphysics of Morals* (MS):

A categorical (unconditional) imperative is one that represents an action as objectively necessary and makes it necessary not indirectly, through the representation of some *end* that can be attained by the action, but through the mere representation of this action itself (its form), and hence directly... All other imperatives are

¹⁴⁴ The term 'everyone' refers solely to human beings. As Christine Korsgaard explains, 'the good will is the source of value, and without it, nothing would have any real worth... a good will is a perfectly rational will. The argument is essentially that only human reason is in a position to confer value on the objects of human choice' (Korsgaard, 1986, p. 499).

¹⁴⁵ This is unlike Aristotle's picture of practical wisdom, which is a gradual development towards virtue.

technical and are, one and all, conditional. The ground of the possibility of categorical imperatives is this: that they refer to no other property of choice (by which some purpose can be ascribed to it) than simply its *freedom* (MS, 6: 222-223, trans. Gregor).

The ground for obligation should not rest on an individual's circumstances, the effects of the world or on their nature. For this reason, Kant would exclude circumstantial moral luck and resultant moral luck from his theorising. By way of illustration, Kant would argue that the outcomes of actions that have been influenced by resultant moral luck do not affect moral worth.¹⁴⁶ His assertion that the good will shines like a jewel is made in reference to this type of moral luck in particular because the good will is unconditioned by external contingencies. He holds that 'whether it [a bad will] accomplishes its evil purposes is morally irrelevant. And a course of action that would be condemned if it had a bad outcome cannot be vindicated if by luck it turns out well. There cannot be moral risk' (Nagel, 1979, p. 24).

Therefore, there is no resultant moral luck because the results of actions cannot affect an individual's good will. Though, they can affect a person's culpability.¹⁴⁷ This is evidenced by the distinction that Kant makes between an

¹⁴⁶ To make a distinction, an action 'has moral worth if it is required by duty and has as its primary motive the motive of duty. The motive of duty need not reflect the only interest the agent has in the action (or its effects); it must, however, be the interest that determines the agent's acting as he did' (Herman, 1981, p. 375).

¹⁴⁷ Nagel disagrees with the Kantian conception of the good will. Instead, he emphasises that the actual results of actions matter too (Nagel, 1979, pp. 29-30). Statman appears to agree with Nagel

individual's responsibility for an outcome and their culpability for that outcome. Someone can be liable for the consequences of a bad action even in cases where they did not intend them. The reason is that 'all of the consequences of acts contrary to duty can be imputed to the agent whether or not they were intended or even foreseen' (Cureton & Hill, 2015, p. 93).

Kant also holds a specific opinion on cases of moral quandaries, which are types of circumstantial moral luck. He asserts that moral conflicts of a certain sort are impossible because there is always a correct course of action that a person should take.¹⁴⁸ The right action, he says, is the action considered to be the most rational. These types of moral conflicts differ from genuine moral dilemmas because, in cases of the latter, every available course of action is bad.¹⁴⁹ An individual who finds themselves facing a genuine moral dilemma would, according to Kant, act irrationally.¹⁵⁰ This means that they choose to perform an action according to a certain principle even though they would not choose to accept it as a general principle governing other people's behaviour.

If a person finds themselves in a predicament owing to a fault that they have previously made, Kant would blame them for the original fault. They are responsible for the previous action that led to the current state of affairs, but they cannot be held responsible for every outcome resulting from that original action. The Kantian response to someone who is in their predicament owing to no fault of their own

when he asserts that the impact of moral luck is dependent on the severity of the action's actual outcome (Statman, 1993, p. 14).

¹⁴⁸ See Barbara Herman (1983) for a discussion of the Kantian response to moral luck in cases of decisions made under uncertainty and the Gauguin case in particular.

¹⁴⁹ Moore refers to these types of cases as 'moral traps' (Moore, 1990, p. 306).

¹⁵⁰ For Kant, a person facing a genuine moral dilemma would not act non-rationally because they use practical reason.

would also be to say that they are blameworthy. This is because ‘at some point, at some level, whoever acts irrationally has not stood firm enough’ (Moore, 1990, p. 312).

The more general point which can be made is that ‘someone can be morally blamed for something only if, at some point, at some level, and in some sense, they were free to do otherwise’ (Moore, 1990, p. 313). It is therefore thought that, in cases of moral quandaries, we could be justified in blaming an individual for the actions that they perform in their particular set of circumstances. This is indicated by Kant’s comment in the *Lectures on Ethics* (VE):

Whatever appertains to freedom can be imputed to us, whether it arises directly through our freedom, or is derived indirectly from it. A drunken man cannot be held responsible for his drunken acts; he can, however, for his drunkenness. The causes which make it impossible to impute responsibility to a person for his actions may themselves be imputable to him in a lower degree (VE, p. 62, trans. Infield).

Ultimately, a person is responsible for their actions when they are caused by their good or bad will, which is unaffected by luck.¹⁵¹ Thus, on the orthodox interpretation of Kant, there is no problem of moral luck because moral judgements about an

¹⁵¹ Moore believes that Kant endorses a theory of ‘conservatism’, which is roughly the view that ‘all the moral assessments that we ordinarily make should be allowed to stand (in the sense that they should be allowed to count as appropriate; they need not be deemed correct)’ (Moore, 1990, p. 314).

individual's good will do not contradict the Control Principle. Given this, two salient aspects of his approach can be identified. First, there is a 'sense of justice and fairness in making moral judgements of praise and blame' (Athanasoulis, 2005, p. 103). Second, owing to the idea that everyone can be moral, there is a 'shared immunity from luck' (Ibid).

6.2 A Nonorthodox Interpretation of Kant

Williams argues that 'the Kantian conception embodies, in a very pure form, something which is basic to our ideas of morality. Yet the aim of making morality immune to luck is bound to be disappointed' (Williams, 1993a, p. 36). He believes that defending the good will against luck is unfeasible because purifying morality from luck would leave us with no self.¹⁵² On a similar note, Kant may be charged with ignoring the dilemma of moral luck. However, these criticisms are only effective if he really is seeking to make his theory of morality immune to luck.

As the secondary literature shows, the orthodox interpretation of Kant is not an entirely accurate depiction of his moral theory.¹⁵³ For example, Jennifer Lockhart offers an alternative interpretation of the jewel passage. First, she says that it 'is a claim about the value of the will, not about the value of morality in general. On the basis of this passage, it remains possible that Kant takes the realm of moral value to extend beyond the realm of the will' (Lockhart, 2015, p. 256). Second, she says that

¹⁵² Statman asserts that 'we must extend "the area of genuine agency" to include aspects of our life and behavior for which we are only partially responsible (in the ordinary sense of having control over them), or even not being responsible at all' (Statman, 2015, p. 104).

¹⁵³ Nussbaum argues that the Kantian picture leaves no room for the fragility of goodness, which is what makes life valuable (Nussbaum, 1986, p. 32). However, she can be criticised for neglecting some of his works on morality.

‘the jewel passage deals with the value of the good will, leaving open the possibility that a bad will (for instance, the sort of will prone to negligence) opens itself in special ways to the onslaughts of luck’ (Ibid).¹⁵⁴

To provide a specific example, ‘one obvious way in which Kantian ethics deliberately opens itself to the full vagaries of chance is that it refuses to excuse morally wrong decisions which happen to turn out well... there are many cases in which bad judgement is saved by good luck’ (Dickenson, 1991, p. 24). Adrian Moore and Statman also discuss additional ways that luck may play a role in Kant’s moral theory. To illustrate, Moore describes how Kant hopes that the virtuous life could benefit from luck. He says that an individual’s ‘virtue will have its due reward, something other than its own intrinsic value’ (Moore, 1990, p. 301). On the other hand, Statman recognises the importance placed by Kant on the role of education, but notes that a person’s access to a good education can be affected by luck (Statman, 1993, p. 26, n. 12).

Contrary to the orthodox interpretation, Kant’s moral theory allows luck a significant role. As a result, certain parallels can be drawn between Aristotle and Kant. For instance, they both understand the adjective ‘moral’ as something that ‘refers to an excellence of character such that the moral person is praiseworthy and emulable’ (Andre, 1993, p. 126). Moore recognises some other basic resemblances between the two theorists:

¹⁵⁴ Dickenson similarly asserts that ‘Kant is not so much concerned with freedom from moral risk as with freedom of the will, and that the ultimately undetermined action of the will presents a sort of risk in itself – one which Kant in fact recognizes’ (Dickenson, 1991, p. 23). She also draws attention to a distinction that can be made between someone’s will, which is practical reason, and their character. For Kant, a person’s character could be influenced by luck, despite being a personal virtue (Dickenson, 1991, p. 24). Nonetheless, it is important to bear in mind that Kant understands the concepts of virtue and character differently to Aristotle.

They both take themselves to be addressing an audience which already shares their moral or ethical convictions. For both of them the point is to provide a kind of self-understanding in terms of which those convictions make sense. And for both of them this involves a critique of practical reason: it is due exercise of practical reason which determines, and in fact ultimately is, our most fundamental moral objective (Moore, 1990, p. 298).

For the purpose of this discussion, the most important similarity is that they both allow for a human vulnerability to luck.¹⁵⁵ In addition, they strive to justify our judgements of praise and blame in cases of moral luck using the concepts of voluntary action and deliberation.¹⁵⁶ Aristotle allows for a human vulnerability to luck and Kant similarly accepts that happiness is vulnerable to luck, although he does not understand happiness in the Aristotelian sense of *eudaimonia*.¹⁵⁷ For Kant, happiness belongs to the sensible world, which is distinct from moral life. Nevertheless, the above discussion highlights the various ways in which the moral life is, after all, vulnerable to the vagaries of luck on Kant's account of morality.

6.3 A Critique of Kant's Moral Theory

¹⁵⁵ See 7.1 for a discussion of Aristotle on luck.

¹⁵⁶ See 8.2 for a discussion of Aristotle's complex theory of responsibility, which is developed using his notions of voluntary action and deliberation.

¹⁵⁷ See 7.3 for a discussion of Aristotle's concept of *eudaimonia*.

Owing to his acceptance of some aspects of moral luck, Kant cannot be criticised for ignoring the dilemma posed by moral luck. Dickenson even goes so far as to say that his notion of morality can be described as being ‘beautifully human’ (Dickenson, 1991, p. 29). However, his moral theory, on whichever interpretation, does face a number of difficulties. Many commentators think that he presents an ‘implausible or counterintuitive picture of the moral life, setting aside many aspects of it which we consider important in making practical judgements’ (Athanasoulis, 2005, p. 113). This is evidenced by Kant’s comments in the following passage, which I quote at length:

To help others where one can is a duty, and besides this there are many spirits of so sympathetic a temper that, without any further motive of vanity or self-interest they find an inner pleasure in spreading happiness around them and can take delight in the contentment of others as their own work. Yet I maintain that in such a case an action of this kind, however right and however amiable it may be, has still no genuine moral worth. It stands on the same footing as other inclinations – for example, the inclination for honour, which if fortunate enough to hit on something beneficial and right and consequently honourable, deserves praise and encouragement, but not esteem; for its maxim lacks

moral content, namely, the performance of such actions, not from inclination, but *from duty*. Suppose then that the mind of this friend of man were overclouded by sorrows of his own which extinguished all sympathy with the fate of others, but that he still had the power to help those in distress though no longer stirred by the need of others because sufficiently occupied with his own; and suppose that; when no longer moved by any inclination, he tears himself out of this deadly insensibility and does the action without any inclination for the sake of duty alone; then for the first time his action has genuine moral worth. Still further: if nature had implanted little sympathy in this or that man's heart; if (being in other respects an honest fellow) he were cold in temperament and indifferent to the sufferings of others – perhaps because, being endowed with the special gift of patience and robust endurance in his own sufferings, he assumed the like in others or even demanded it; if such a man (who would in truth not be the worst product of nature) were not exactly fashioned by her to be a philanthropist, would he not still find in himself a source from which he might draw a worth far higher than any that a good-natured temperament can have? Assuredly he would. It

is precisely in this that the worth of character begins to show – a moral worth and beyond all comparison the highest – namely, that he does good, not from inclination, but from duty (G, 398-399).

Kant's views can be criticised for being cold and unrealistic. It is usually felt that a moral agent should have the right feelings and emotions, rather than acting simply from a strict sense of duty. However, Kant seems to say that someone who performs a right action out of duty and with no feeling is morally admirable. Some neo-Kantians attempt to provide a more plausible analysis of Kant's theory of duty, but these attempts lead to a more Aristotelian understanding of the role of the inclinations. For example, Barbara Herman accepts that gradual development and other empirical factors play a role in the development of a person's character (Herman, 1996, p. 50).¹⁵⁸ The Kantian project has also been criticised for making it difficult to judge the moral worth of the actions and characters of others. Furthermore, it may be difficult for an individual to know their own motivations to act (Athanassoulis, 2005, p. 130). This idea is expounded by Kant in the following passage:

For a human being cannot see into the depths of his own heart so as to be quite certain, in even a *single* action, of the purity of his moral intention and the

¹⁵⁸ In addition, see Herman (1981).

sincerity of his disposition, even when he has no doubt
about the legality of his action (MS, 6: 392-393).

These considerations lead many to reject Kant's general moral theory on the grounds that it is unpalatable. Nevertheless, there are two potential contrasts with Aristotle's account of morality that need to be noted. The first is a matter of the way in which virtue is understood. For Kant, 'struggling and overcoming the emotions is virtue... this is a different conception of virtue from Aristotle, who would interpret Kantian virtue as continence' (Athanassoulis, 2005, p. 121).¹⁵⁹ This difference in understanding leads Kant to criticise Aristotle on the grounds that he refers to virtue as part of the sensible world. Kant believes that this is a problem because virtue forms part of the intelligible world only. Yet, this criticism is not fatal to Aristotle's moral theory because Kant leaves it obscure 'how the two conceptions of the intelligible and the empirical interact and influence each other' (Athanassoulis, 2005, p. 131).

As previously discussed, an advantage of Kant's moral theory is that everyone can share in morality. A potential criticism of Aristotle might therefore be that his theory is too inegalitarian. Again, this criticism is not fatal to Aristotle's account of morality. Consider Roger Crisp's comment to this effect:

One aspect of Aristotle's greatness of soul that modern
readers find particularly objectionable is its failure to
incorporate any principle of the equality of moral worth

¹⁵⁹ See 7.2 for a discussion of Aristotle's conception of continence and incontinence.

of persons, a principle which perhaps finds its clearest statement in Kantian ethics. This charge, however, seems a little uncharitable to Aristotle. There is nothing inconsistent with such a principle, as it is usually understood, in his account of the great-souled person... And though, of course, he does not believe that all humans should be treated equally (that is, treated in the same way), this is not required by any plausible principle of equal worth (Crisp, 2006, p. 175).

The discussion in this chapter thus far, in conjunction with the argument in 5.3, gives us reason to think that an Aristotelian theory of morality has many positive features when compared with Kant's view. Though, prior to developing a solution to the problem of moral luck inspired by Aristotle's moral theory, it is worth examining the viability of an alternative approach.¹⁶⁰ Adam Smith, in his book entitled *The Theory of Moral Sentiments*, advocates the position that people should be held responsible solely for their inner states or 'willings':

Whatever praise or blame can be due to any action, must belong either, first, to the intention or affection of the heart, from which it proceeds; or, secondly, to the external action or movement of the body, which this affection gives occasion to; or lastly, to the good or bad

¹⁶⁰ See Nelkin (2013) for a broad discussion of other potential solutions to the problem of moral luck.

consequences, which actually, in fact, proceed from it... That the two last of these three circumstances cannot be the foundation of any praise or blame, is abundantly evident; nor has the contrary ever been asserted by any body. The external action or movement of the body is often the same in the most innocent and in the most blameable actions. He who shoots a bird, and he who shoots a man, both of them perform the same external movement: each of them draws the trigger of a gun. The consequences which actually, and in fact, happen to proceed from any action, are, if possible, still more indifferent either to praise or blame, than even the external movement of the body. As they depend, not upon the agent, but upon fortune, they cannot be the proper foundation for any sentiment, of which his character and conduct are the objects... To the intention or affection of the heart, therefore, to the propriety or impropriety, to the beneficence or hurtfulness of the design, all praise or blame, all approbation or disapprobation, of any kind, which can justly be bestowed upon any action, must ultimately belong. When this maxim is thus proposed, in abstract and general terms, there is nobody who does not agree to it. Its self-evident justice is acknowledged by all the

world, and there is not a dissenting voice among all mankind. Every body allows, that how different soever the accidental, the unintended and unforeseen consequences of different actions, yet, if the intentions or affections from which they arose were, on the one hand, equally proper and equally beneficent, or, on the other equally improper and equally malevolent, the merit or demerit of the actions is still the same, and the agent is equally the suitable object either of gratitude or of resentment (II.iii.intro).

Smith's position can be criticised for two key reasons. First, as he himself acknowledges, the influence of resultant moral luck means that our moral judgements appear to depend on the outcomes of events that are not intended by the agent. This is evidenced by his comment that, 'when we come to proceed in particular cases, the actual consequences which happen to proceed from any action, have a very great effect upon our sentiments concerning its merit or demerit, and almost always either enhance or diminish our sense of both' (Ibid).

Second, his position can be criticised on the grounds that an individual's internal states, including their intentions, can be affected by factors lying beyond their control (Feinberg, 1970, pp. 34-38). Imagine that Bob accidentally trips and spills a drink over Bert. Bert is easily enraged and quickly reacts to the incident by throwing his drink over Bob. Given this state of affairs, a number of counterfactual scenarios could be envisaged where circumstantial luck alters Bert's intentions. For

instance, it is possible that Bert trips over a wire as he is about to throw his drink over Bob and, realising how foolish he looks, decides to walk away from the situation with his integrity intact. It is also possible that, just as Bert is about to retaliate by throwing his drink over Bob, Bob deescalates Bert's anger by apologising and offering to buy him a clean set of clothes.

These types of counterfactual scenarios show that people do not always exercise full control over their internal states. This insight leads Feinberg to declare that it would be 'a mistake to think that by restricting responsibility to an inner jurisdiction we can thereby make precise its vagueness and eliminate its contingencies' (Feinberg, 1970, p. 37).¹⁶¹ What is more, the risks that a person is prepared to take can also be influenced by circumstantial moral luck. For example, someone may be in the process of deciding whether or not to steal from a shop when, by chance, they notice that another person is being arrested in the same store. They soon realise that shoplifting is not worth the risk and decide to pay for their goods instead. Accordingly, the idea that people should only be held responsible for their internal states does not help to resolve the problem of moral luck. Browne makes a similar argument in the following passage:

Abandoning our intuitive desire to react to what an
agent does in favour of holding an agent responsible for

¹⁶¹ Feinberg does offer an explanation as to why some people may wish to hold others responsible for the things that they intend. He writes, 'if he is a rational man and a philosopher, he will admit that moral responsibility for external harm makes no sense and argue that moral responsibility is therefore restricted to the inner world of the mind, where the agent rules supreme and luck has no place; for here is a domain where things happen without the consent of uncooperative nature, where bodily movements are initiated, acts of volition undertaken, intentions formed, and feelings entertained... Morals constitute a kind of internal law, governing those inner thoughts and volitions which are completely subject to the agent's control, and administered before the tribunal of conscience – the *forum internum*' (Feinberg, 1970, p. 33).

what he wills does not, of course, escape the problem of moral luck, because an agent's willings are not free of chance. What an agent wills arises, in part, out of his situation and his character, over which he must, at the very least, have less than complete control (Browne, 1992, p. 347).

As it can be seen, a person's motivations and intentions to act can be influenced by luck. Smith can therefore be criticised for wanting to hold people morally responsible for their inner states and a solution to the problem of moral luck based on such an argument would be unsatisfactory. As I will argue throughout the remainder of this thesis, a more convincing solution to the problem can be developed using Aristotelian materials. In short, we can accept that there is moral luck while showing that it does not affect our assessments of moral responsibility, praise, and blame.

7

Aristotle on the Contingencies of Luck

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The main aim of this chapter is to provide a brief summary of Aristotle's position on the nature and prevalence of luck. At the same time, it will deliver a general overview of some of the key aspects of his moral theory. In similarity to my previous discussion of Kant, I shall not give a full exegesis and discussion of Aristotle's moral theory, but I aim to say enough to show that human beings are vulnerable to luck. To begin, I will provide an overview of Aristotle's conception of luck in addition to the distinction that he makes between virtuous and non-virtuous agents. This discussion will help to show that his theory of happiness (*eudaimonia*) provides a particular type of appreciation of the role of luck in human life that is missing in Kant.

7.1 Aristotle's Theory of Luck

Owing to modern debates in the literature on the nature of luck, fortune, and chance, I do not assume that Aristotle makes the same distinctions that I do in 1.1.1. In brief, I argued that a lucky event can be defined as an event that is of either positive or negative value to the agent, that lies beyond their control, and that would fail to occur in a large proportion of nearby possible worlds. A fortunate event is like a lucky event but it does not require the modal condition to be satisfied. In other words, a fortunate event can be defined as an event that is significant to the agent and that lies beyond their control.

Chanciness is understood in terms of its relationship to the probabilities associated with the target event, as opposed to the modal closeness the event. A further way in which chance differs from luck and fortune is that in cases of chance we are not required to take a stance on whether the event is of significance to the

agent. This means that not all chance events will be lucky or fortunate, but all lucky and fortunate events will be either good or bad for the person involved.¹⁶²

Aristotle also proposes an intricate account of luck, which differs from my own in a number of ways. A key difference between our accounts is that Aristotle does not make a clear distinction between the concepts of luck, fortune, and chance.¹⁶³ As it happens, he describes them all using the term ‘*tuchê*’.¹⁶⁴ Definitions of luck and fortune also vary depending on the translation of Aristotle’s texts. Furthermore, they depend on which of his works are referred to. For instance, his understanding of luck seems to differ in the *EE* and the *Physics*. However, given the remit of this thesis I do not wish to enter into this particular debate. Instead, I focus solely on the aspects of Aristotle’s moral theory that allow luck a significant role in human life. In order to do so, his conception of luck needs to be clarified.

I take it to be the case that Aristotle has both a narrow and broad conception of luck. The broad conception of luck comes under his general notion of *tuchê*, which affects inanimate objects, animals, and children in addition to adult humans. To help clarify, the broad conception of luck bears some similarity to my understanding of chance. For example, it could be said that the outcome of flipping a coin is *tuchê*.

On the other hand, the narrow conception of luck implies action (*praxis*), which requires decision (*prohairesis*). As Aristotle remarks in the *Physics*, ‘luck and

¹⁶² In accordance with my account, luck and fortune also have moral varieties, whereas chance does not. For a specific discussion of moral fortune, see Chapter Ten.

¹⁶³ See the penultimate chapter of the *EE* for Aristotle’s discussion of the relationship between luck, fortune, happiness, and virtue.

¹⁶⁴ Kent Johnson (1997) in his discussion of Aristotle does, however, argue that good fortune is something different from luck. In brief, his argument is that all good luck is good fortune, but ‘good fortune’ is a term used to capture a wider variety of cases.

its outcome belong only to things which can be lucky and in general engage in rational activity. Hence luck must be concerned with things achievable by such activity' (*Phys.* 179b1-6, trans. Charlton).¹⁶⁵ This particular understanding of luck commits us to the view that only adult humans can be lucky owing to their deliberative capacities. To provide an example, Aristotle describes the scenario of a man who visited a market. The man is lucky because his debtor also happened to be in the market collecting contributions (*Phys.* 196b33-197a5). Nevertheless, the lucky event only occurred because the man decided to visit the market in the first instance:

A lucky event, as such, is the coincidental result of thought, and therefore is only coincidentally for the sake of some end, which is different from the result that is actually reached... The cause of X's being in the market when Y is there is X's decision to sell his goods; but this is only the coincidental cause. X's decision to sell his goods explains his being in the market at 9 a.m., and hence is the intrinsic cause of that property of the event; but it does not explain his being there when Y was there, since this was no part of X's decision. What explains X's being there when Y is there is the fact that the time when X has arrived is the

¹⁶⁵ For Aristotle, animals and children lack decision (*Phys.* 197b1-8). Nonetheless, a non-rational being or object can be involved in something lucky that takes place. Consider the scenario of a builder who accidentally drops a brick. The brick happens to land in precisely the right place without causing any damage to the structure. It can be said in this instance that the building is not lucky, even though something lucky has happened to it.

time when Y has arrived. Though X would have planned this had he known, he did not plan it. The event is a matter of luck, because the contribution of the event to X's debt collecting plans is not linked to X's plans by the right causal connexion; he did not decide on the event because he thought it would fulfil these plans (Irwin, 1988, pp. 104-105).

Although I do not take Aristotle's distinctions on board, the narrow conception of luck shows that he does make a connection between luck and human agency. As I will go on to discuss in 7.3, Aristotle believes that there is an important relationship between luck and human happiness in particular. Though, this relationship can be better understood by first providing an overview of the various types of moral agents. To avoid ambiguity between discussions of Aristotle's account of luck and my own, note that when I speak of luck throughout the remainder of this chapter I am specifically referring to Aristotle's narrow conception of luck, which can otherwise be referred to as 'Aristotelian luck'.

7.2 Aristotelian Moral Agents

The discussion in this chapter focuses primarily on the impact of luck on virtuous, continent, and incontinent agents.¹⁶⁶ Thus, to fully understand the effects of luck, the differences between these types of agents need to be examined. In brief, Aristotle holds the view that a virtuous person performs an ethical action when they act ‘with true and full virtue (*aretê*), not only are desires and rational principle in complete harmony, but also the motives and intentions are in complete harmony with what motivates and what is intended’ (Pendlebury, 2006, p. 167).¹⁶⁷ Those who are virtuous know how to act appropriately in their circumstances and when faced with alternative courses of action they will always choose the finest:

For the excellent person judges each sort of thing correctly, and in each case what is true appears to him. For each state [of character] has its own distinctive [view of] what is fine and pleasant. Presumably, then, the excellent person is far superior because he sees what is true in each case, being himself a sort of standard and measure (*EN* 1113a30-34, trans. Irwin).

In other words, virtuous agents have ‘the right feelings at the right times, about the right things, towards the right people, for the right end, and in the right way... and

¹⁶⁶ For Aristotle, ‘there are six possible states of character: superhuman virtue, virtue, continence, incontinence, vice and bestiality’ (Athanasoulis, 2005, p. 28). Though, superhuman virtue is typically associated with the Gods and not with human beings.

¹⁶⁷ Virtue is ‘a dispositional characteristic, a *hexis* concerning actions and reactions (*pathe*) involving choice; it consists in acting in a mean relative to us, a mean that is defined by a rational principle of the sort followed by a person of practical wisdom’ (Rorty, 1980, p. 4). As David Wiggins says, ‘it is the mark of the man of practical wisdom on this account to be able to select from the infinite number of features of a situation those features that bear upon the notion or ideal of existence which it is his standing aim to make real’ (Wiggins, 1980, pp. 236-237).

this is proper to virtue' (*EN* 1106b21-23).¹⁶⁸ An important distinction can therefore be made between a virtuous agent and a non-virtuous agent imitating the life of virtuous agent. A virtuous man's successes are the result of his own knowledge, whereas a non-virtuous agent does not have the virtuous man's knowledge of how to act in certain situations. Continent (*enkratês*) and incontinent (*akratês*) agents are not fully virtuous, but they do share 'elements of the virtuous person's practical reason – namely, the deliberative capacities which Aristotle broadly classifies as cleverness' (Sherman, 1989, p. 108).¹⁶⁹ Aristotle describes the difference between these two types of agents as follows:

The continent person seems to be the same as one who abides by his rational calculation; and the incontinent person seems to be the same as one who abandons it. The incontinent person knows that his actions are base, but does them because of his feelings, whereas the continent person knows that his appetites are base, but because of reason does not follow them (*EN* 1145b10-15).

¹⁶⁸ 'Virtue' is defined by Aristotle in Book Two of the *EN*. There is a distinction between moral virtues and intellectual virtues, but some intellectual virtues appear to have a moral aspect (Anscombe, 1958, p. 1). For example, a doctor who fails to make a good decision regarding a patient's healthcare is morally blameworthy, despite the relationship between decision making and intellectual virtue.

¹⁶⁹ In reference to a young person who lacks this type of knowledge, Aristotle would say that 'he does have the "the *that*" which is the necessary starting point for acquiring practical wisdom and full virtue' (Burnyeat, 1980, p. 78). To clarify, practical wisdom is translated as *phronêsis* and "the *that*" will be discussed in greater detail in 10.3.

Continent and incontinent agents can learn from virtuous agents by watching to see how they respond to certain situations. This is because those who are virtuous have the capacity to deal with situations properly, irrespective of their circumstances. Given these clarifications, we can turn to address the pervasiveness of Aristotelian luck by examining its impact on human happiness.

7.3 The Role of Aristotelian Luck in Happiness

Conventionally, the word ‘happiness’ is used to describe a momentary period of enjoyment. On the other hand, for Plato, Aristotle, and later Greek philosophers, happiness is related to human flourishing, or ‘flourishing’ for short.¹⁷⁰ Flourishing is the highest good for human beings and it is the end of all practical reasoning. Aristotle gives two competing accounts of *eudaimonia* in different parts of the *EN*, which can be referred as to the inclusive and exclusive formulation (Hardie, 1968, p. 23).¹⁷¹

In Book One of the *EN*, Aristotle posits that happiness involves a person’s whole life. It can be described as a collection of things that are valuable for their own sake, such as wisdom, fairness, courageousness, and magnanimity. What is more, in

¹⁷⁰ *Eudaimonia* is often translated as human flourishing because it ‘seems to amount to the thought of a human life being successful and going well – which is evidenced by Aristotle when he gives *eu zēn* (“living well”) and *eu prattein* (“doing well”) as synonyms’ (Rabbås, 2015, p. 620).

¹⁷¹ Nagel (1980) draws a similar comparison between Aristotle’s intellectualist and comprehensive account of *eudaimonia*. The intellectualist account, which is stated in Book Ten of the *EN*, focuses on the ‘activity of theoretical contemplation’ (Nagel, 1980, p. 7). This can be compared to the comprehensive account discussed in Book One, which describes *eudaimonia* as something that ‘essentially involves not just the activity of the theoretical intellect but the full range of human life and action, in accordance with the broader excellences of moral virtue and practical wisdom. This view connects *eudaimonia* with the conception of human nature as composite, that is, as involving the interaction of reason, emotion, perception, and action in an ensouled body’ (Nagel, 1980, p. 7). Kathleen Wilkes (1980) also discusses the competing accounts of *eudaimonia* in the *EN*.

order to be happy someone must have things that promote virtue, such as friends, family, and cultural goods. This interpretation of happiness is known as the inclusive formulation. On the other hand, in Book Ten of the *EN* Aristotle understands happiness in terms of a single activity. Specifically, happiness solely consists in a life of contemplation. As John Lloyd Ackrill remarks, ‘purely contemplative activity is said to be perfect *eudaimonia*’ (Ackrill, 1980b, p. 15). This interpretation of happiness can be referred to as the exclusive formulation.¹⁷²

Given the nature and purpose of this thesis, I will not enter a detailed discussion regarding the differences between these two accounts of *eudaimonia*. Instead, I follow Ackrill and take Aristotle to be committed to an inclusive formulation (Ackrill, 1980b, p. 17). Specifically, happiness can be understood in terms of something that ‘includes all activities that are valuable’ (Ackrill, 1980b, p. 22). It is on this basis that we can make sense of the relationship between luck and happiness on Aristotle’s moral theory.

With particular reference to his discussion in the *EN*, two separate components of *eudaimonia* can be revealed. These include the exercise of virtuous activity and the attainment of external goods (*ta ektos agatha*). As I will now go on to discuss, both of these things can be influenced by luck. First, in order to be happy (*eudaimon*) someone must be able to exercise their virtue. However, virtue requires the world to cooperate in certain ways and, as a result, an individual’s activity could

¹⁷² The exclusive formulation can otherwise be described in terms of the ‘dominant’ formulation. For example, see Ackrill (1980b).

be impeded.¹⁷³ Second, a person's happiness can either be advanced or impeded depending on whether they are in possession of certain external goods.

7.3.1 Virtuous Activity

In both the *Eudemian Ethics* (*EE*) and the *Nicomachean Ethics* (*EN*) Aristotle contemplates the question: what is the human good? He focuses his search on happiness and living well (*eu zên*). Furthermore, he describes how the function (*ergon*) of a human being comprises of activity of the rational part of the soul in accordance with excellence or virtue. Human beings differ from other species precisely because they have the ability to reason, which is used to enhance their happiness.¹⁷⁴

Living well therefore requires the use of reason to act virtuously. Yet, action is also a requirement for living well because virtue is not a condition or state of mind. To provide an analogy, Aristotle says that 'just as Olympic prizes are not for the finest and strongest, but for the contestants – since it is only these who win – the same is true in life; among the fine and good people, only those who act correctly win the prize' (*EN* 1099a3-7). As a consequence, a person who is sleeping or

¹⁷³ Aristotle considers the role of happiness and expresses the idea that some people take it to be synonymous with good fortune (*eutuchia*). However, this is a mistaken view because, when fortune 'is excessive, it actually impedes happiness; and then, presumably, it is no longer rightly called good fortune, since the limit [up to which it is good] is defined in relation to happiness' (*EN* 1153b21-25). Thus, good fortune is a requirement for happiness, but it is not the same thing as happiness (Kraut, 2006, p. 83).

¹⁷⁴ Virtue and reason are productive means but not constituent means to *eudaimonia* (McDowell, 1980, p. 359).

suffering terrible misfortunes cannot be happy because their rational activity is inactive or impeded (Irwin, 1988, pp. 368-369).¹⁷⁵

Thus, according to Aristotle, a happy person is someone who ‘will do and study the actions in accord with virtue, and will bear fortunes most finely, in every way and in all conditions appropriately, since he is truly ‘good, foursquare, and blameless’’ (EN 1100b19-22).¹⁷⁶ For example, a father who loses his son would act with dignity, despite his terrible loss. In other words, someone must be able to exercise their virtue in order to be *eudaimon*. However, whether or not virtuous activity is impeded could depend on good or bad luck:

And since it is activities that control life, as we said, no blessed person could ever become miserable, since he will never do hateful and base actions. For a truly good and prudent person, we suppose, will bear strokes of fortune suitably, and from his resources at any time will do the finest actions, just as a good general will make the best use of his forces in war, and a good shoemaker will make the finest shoe from the hides given to him, and similarly for all other craftsmen. If this is so, the happy person could never become miserable, but neither will he be blessed if he falls into misfortunes as bad as Priam’s. Nor, however, will he be inconstant and

¹⁷⁵ To clarify, such impediment to rational activity means that the virtuous agent cannot be happy. Though, owing to their virtuousness they cannot be miserable either.

¹⁷⁶ This is assuming that virtuous agents retain their capacity for virtue, meaning that their practical wisdom is not impeded by something such as a severe head injury.

prone to fluctuate, since he will neither be easily shaken from his happiness nor shaken by just any misfortunes. He will be shaken from it, though, by many serious misfortunes, and from these a return to happiness will take no short time. At best, it will take a long and complete length of time that includes great and fine successes (*EN* 1100b34-1101a14).¹⁷⁷

As this passage helps to illustrate, bad luck could have catastrophic consequences for a virtuous agent's happiness by making them suffer multiple major misfortunes, which 'oppress and spoil his blessedness, since they involve pain and impede many activities' (*EN* 1100b27-30). In these types of cases, luck would have a major impact on a person's *eudaimonia*:

It [happiness] needs a complete life because life includes many reversals of fortune, good and bad, and the most prosperous person may fall into a terrible disaster in old age, as the Trojan stories tell us about Priam. If someone has suffered these sorts of misfortunes and comes to a miserable end, no one counts him as happy (*EN* 1100a5-10).

¹⁷⁷ In cases where the outcome of an action is not what was expected or intended, 'the virtuous would still feel their lives had a point and would find intrinsic pleasure in their actions. There would still be a point to one's pursuits if courageous action did not end in victory' (Sherman, 1989, p. 116).

Owing to the misfortunes that have befallen him, Priam cannot be considered happy. However, this does not mean that he will become vicious or less virtuous as a result. If Cooper, in his article entitled ‘Aristotle on the Goods of Fortune’, is correct about the relationship between virtue and the goods of fortune, Aristotle could argue that Priam maintains his virtue even though it cannot be fully exercised. As a result, bad luck does not affect Priam’s virtuousness, but it does affect his *eudaimonia*. The reason is that, having lost his kingdom and his children, Priam can no longer perform the honourable actions of a king and neither can he properly educate his children.

As another case in point, an individual from a family with a poor reputation could be avoided by others simply because of the identity of their relatives. If this is the case, they would have less interaction with others and fewer opportunities to act virtuously. In turn, this will impede their happiness. Examples such as this help us to understand why Aristotle may be criticised for being elitist. Nevertheless, Aristotle’s social bias is not fatal to his account of morality. This is because he is simply describing the reality of human moral life and so he should not be condemned for telling us how things really are (Athanasoulis, 2005, p. 63).

7.3.2 External Goods

As it can be seen, a person’s happiness will depend on whether they are lucky enough to be provided with the opportunity to act virtuously. What is more, someone’s happiness can be advanced or impeded depending on whether they possess external goods, which can also depend on luck. Consider the following poem

by Pindar, which is a poetic image pertaining to the vulnerability of human excellence. Specifically, it highlights the need for external goods:

Some pray for gold, others for boundless land.

I pray to delight my fellow citizens
until my limbs are wrapped in earth – a man
who praised what deserves praise
and sowed wrong for wrong-doers.

But human excellence
grows like a vine tree
fed by the green dew
raised up, among wise men and just,
to the liquid sky.

We have all kinds of needs for those we love –
most of all in hardships, but joy, too,
strains to track down eyes that it can trust

(Pindar, *Nemean*, VIII. 37-44, cited in Nussbaum,
1986, p. vi).

Pindar likens the image of the vine tree to human excellence because they both require certain things to flourish. For example, both things need to be nurtured and to develop in favourable circumstances. In fact, ‘Aristotelian theories take as primitive the idea that human beings have a good, and thus are capable of flourishing or

withering' (Wolff, 2004, p. 34). In similarity to plants, then, people need to possess certain external goods.

To clarify, Aristotle has a narrow and a broad conception of 'external goods'. According to the narrow usage, these goods are external to the person and include things such as 'good birth, wealth, political power and friends' (Cooper, 1985, p. 177). In other words, these are goods which are external to a person's character, genetics, personality, memory, and knowledge (Cooper, 1985, pp. 177-178).

The broader usage includes all of these things in addition to goods of the body. Therefore, 'any *correct* object of pursuit... that one achieves by one's action and that is other than one's own virtue, pleasure or knowledge will be an external good' (Cooper, 1985, p. 178). Aristotle has a broader usage in mind when he says that goods are external to the soul. For example, the exercises that form part of a training regime can be classified as external goods if they benefit an individual mentally or physically. These goods are required for *eudaimonia* because 'we cannot, or cannot easily, do fine actions if we lack the resources' (*EN* 1099b31-33):¹⁷⁸

For no activity is complete if it is impeded, and happiness is something complete. That is why the happy person needs to have goods of the body and external goods added [to good activities], and needs fortune also, so that he will not be impeded in these ways. Some maintain, on the contrary, that we are

¹⁷⁸ In the *Rhetoric*, Aristotle defines fine (*kalon*) in terms of pleasure and describes how it should be praised (*Rhet.* 1366a33-34, trans. Freese). Gabriel Richardson Lear suggests that being *kalon* 'connotes being good' (Lear, 2006, p. 117). Hence, fine actions are representative of a virtuous person's character and can otherwise be described as beautiful (*kalon*).

happy when we are broken on the wheel, or fall into terrible misfortunes, provided that we are good. Whether they mean to or not, these people are talking nonsense (*EN* 1153b16-21).

The example of the man on the wheel serves to show that a person needs external goods in order to display their virtue in action.¹⁷⁹ In other words, it shows that external goods are required to ensure that virtuous activity remains unimpeded. Although happiness does not solely consist of these goods, they are required for *eudaimonia* for two reasons. First, ‘some external goods serve as necessary or especially effective instruments in and for the doing of some virtuous actions’ (Cooper, 1985, p. 178). For instance, the money that a person inherits could provide them with the opportunity to exercise their virtue. Second, the deprivation of external goods such as ‘good birth, good children, beauty – mars our blessedness’ (*EN* 1099b2-6). A father who suffers the death of a child is denied the opportunity to nurture and educate them and a person who is born with a severe disfigurement will lack certain opportunities to act with temperance.

Examples such as these show that a lack of external goods detract from the overall value of a person’s life. What is more, ‘one might expect the virtuous person, in reflecting on these facts, to *feel* frustrated and disappointed, and that psychological response might be counted as a second debt against his happiness’ (Cooper, 1985, p. 180). Thus, for Aristotle, human beings are vulnerable to the contingencies of luck.

¹⁷⁹ For further examples see the *EE* (1216a6-11) and the *EN* (1176a33-b2).

Nonetheless, the idea that luck exists in various forms should not be seen as a failing because it is a necessary and valuable feature of human life. As Nussbaum explains, ‘even the virtuous condition is not, itself, something hard and invulnerable. Its yielding and open posture towards the world gives it the fragility, as well as the beauty, of a plant’ (Nussbaum, 1986, p. 340).¹⁸⁰ A place for luck therefore needs to be found without abandoning judgements of moral responsibility, praise or blame. The discussion in the ensuing chapter will show that Aristotle’s moral theory is able to handle the human vulnerability to luck whilst providing justification for our moral judgements. In particular, it will show that there is a different side of the human condition, which views people as rational agents with the capacity for reason and choice.

¹⁸⁰ Gavin Lawrence highlights a further benefit of luck, which is that practical reason is best used in imperfect circumstances. If an individual’s circumstances were perfect they would ‘already be enjoying that living well which practical activity seeks to secure’ (Lawrence, 2006, p. 65). This is evidenced by Aristotle’s comment in *On the Heavens* (DC), where he asserts the following: ‘for here on earth it is the actions of mankind that are the most varied, and the reason is that man has a variety of goods within his reach, wherefore his actions are many, and directed to ends outside themselves. That which is in the best possible state, on the other hand, has no need of action’ (DC II.12.292b4-7, trans. Guthrie).

8

Aristotle on Responsibility

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Overall, I aim to show that Aristotle's theory of voluntary action can help to provide us with a convincing philosophical account of responsibility, which is capable of defending our moral judgements of responsibility, praise, and blame in cases of moral luck.¹⁸¹ In his article entitled 'Reason and Responsibility in Aristotle', Irwin contends that Aristotle can be understood as having both a simple theory and complex theory of responsibility.¹⁸²

The simple theory is formulated as follows: '**A is responsible (a proper candidate for praise and blame) for doing x if and only if A does x voluntarily**' (Irwin, 1980, p. 125). Alternatively, it can be formulated negatively: 'I am responsible for an action if and only if I do it neither by force nor because of ignorance' (Irwin, 1980, p. 117).¹⁸³ This theory provides an account of a thin sort of causal responsibility that is applicable to animals, children, and adult humans. In short, responsibility and non-moral judgements attach to those who act voluntarily.

On the other hand, the complex theory sets tougher conditions for moral responsibility: '**A is responsible for doing x if and only if (a) A is capable of deciding effectively about x, and (b) A does x voluntarily**' (Irwin, 1980, p. 132).¹⁸⁴ This theory provides a thick, evaluatively rich concept of moral responsibility that can justify our moral judgements about responsible adults, which means that an

¹⁸¹ Irwin describes how 'being responsible is being a responsible candidate for these attitudes, the sort of agent doing the sort of action for which praise and blame are normally justified' (Irwin, 1980, p. 134).

¹⁸² The simple theory is based on Aristotle's work in the *EN*, whereas the complex theory is developed from his work in the *EN* and from other sections of his ethical texts.

¹⁸³ The simple theory is advocated by Nussbaum (1986) and Cooper (2012).

¹⁸⁴ The capacity for effective deliberation serves as a background condition for moral responsibility. As Judith Andre asserts, a precondition for choice is necessary for moral responsibility because 'blameworthiness is a specific kind of criticism which implies free choice' (Andre, 1993, pp. 126-127).

individual can be praised for a virtuous action or blamed for a vicious action.¹⁸⁵ In this chapter I provide an overview of both theories. This overview will pave the way to the discussion in Chapter Nine, where I will argue that the complex theory provides the conceptual and theoretical material to solve the problem of moral luck.

To begin, I will examine Aristotle's requirement for voluntary action. This discussion will help to explain the simple theory and condition (b) of the complex theory. I will then discuss the additional requirement of the complex theory, which is that a morally responsible agent must have the capacity for effective deliberation. As it will be seen, this discussion has both an exegetical and a philosophical purpose because, not only does it show that Aristotle seems to be committed to the complex theory, it also shows that the complex theory is the correct theory of responsibility.

8.1 The Requirement for Voluntary Action

Aristotle provides us with the first proper theory of moral responsibility in Book Two of the *EN*.¹⁸⁶ Then, in Book Three, he sets out his specific conditions for voluntary action and moral praise and blame. He says, virtue 'is about feelings and actions. These receive praise and blame if they are voluntary, but pardon, sometimes even pity, if they are involuntary' (*EN* 1109b30-33). Virtue is the foundation of praiseworthy actions and affections (*pathê*). However, in order to know if an

¹⁸⁵ See Charles Young for a discussion of the different ways that an individual can act unjustly towards others (Young, 2006, p. 195).

¹⁸⁶ Aristotle's theory of moral responsibility differs from those developed by deontologists and utilitarians because, for Aristotle, moral responsibility is not principle based. The best course of action will differ depending on the situation. As he asserts, 'agents themselves must consider in each case what the opportune action is, as doctors and navigators do' (*EN* 1104a5-10).

individual is virtuous it needs to be determined whether their voluntary actions are praiseworthy.

Only those whose actions are voluntary (*hekousion*) can be the suitable candidates for praise and blame.¹⁸⁷ In view of this, these judgements are unjustifiable in cases where the agent acts involuntarily (*akousion*). As Aristotle writes, ‘we must then grasp of what actions he is himself the responsible origin. We all admit that for acts that are voluntary and done from the choice of each man he is responsible but for involuntary acts he is not himself responsible’ (*EE* 1223a15-20). Thus, the focus of the voluntary is on actions, which are the things that people do.¹⁸⁸ The origin of voluntary action therefore depends on whether or not the agent can bring the action about:

All the actions which a man controls and of which he is the origin can either happen or not happen, and that their happening or not happening – those at least for whose existence or non-existence he is authoritative – is in his power. But for what it is in his power to do or

¹⁸⁷ See the *EN* (1109b34-35). The notion of *hekousion* is important for the idea that moral judgements of praise and blame should only be attributed to those who are the origin (*archê*) of their action. As Jensen affirms, ‘in order to judge that an agent is morally blameworthy for some act, we must be prepared to establish that he actually did the act in question and that he was at fault in acting’ (Jensen, 1993, p. 133).

¹⁸⁸ As it is recognised by Cooper, Aristotle does offer some insight into the nature of action. He says, ‘when Aristotle speaks of the voluntary action in any case of voluntary action, he is plainly considering a large number of distinct actions done at the same time with the same movements, each action taking place in some particulars of its own situation, differing from one another in that they do have those different particulars; the voluntary ones among those actions are the ones that have their origin in the agent’s desires or decisions, and knowledge’ (Cooper, 2012, pp. 18-19). Thus, for Aristotle, if someone commits murder by firing a gun, what is voluntary for that person and what they are responsible for is doing the action of pulling the trigger. His account of action can therefore be compared to the account that is prevalent in modern philosophy, which ‘involves considering a single action at any time, which then is susceptible of multiple true descriptions’ (Ibid).

not to do, he is himself responsible; and what he is responsible for is in his power (*EE* 1223a5-10).

As I will go on to discuss, human beings can only be held responsible for their voluntary actions. For example, an individual who shoots and kills another is responsible for doing the action that is responsible for causing the death of the victim. In this case, they are responsible for the action of firing the gun. Voluntary actions can be praised or blamed, whereas involuntary actions are forgiven or pitied. For Aristotle, involuntary actions are things that come about either through force or ignorance:

Now it seems that things coming about by force or because of ignorance are involuntary. What is forced has an external principle, the sort of principle in which the agent, or [rather] the victim, contributes nothing – if, for instance, a wind or people who have him in their control were to carry him off (*EN* 1109b35-1110a5).

This can be compared to the definition of voluntary and involuntary action that he proposes in the *EE*:

All that is done owing to ignorance, whether of person, instrument, or thing, is involuntary; the contrary therefore is voluntary. All, then, that a man does – it

being in his power not to do it – not in ignorance and on his own initiative must needs to be voluntary; and this is what voluntariness is. But all that he does in ignorance and knowing and owing to his ignorance, he does involuntarily (*EE* 1225a6-12).

Aristotle mentions force indirectly when he says that ‘all, then, that a man does – it being in his power not to do it’ (*Ibid*). He also provides an alternative definition of voluntary and involuntary action in the *EN*, which is as follows:¹⁸⁹

An action is voluntary just in case it is up to the agent, who does it in knowledge, and [hence] not in ignorance of the person, instrument, and goal (for instance, whom he is striking, with what, and for what goal), and [does] each of these neither coincidentally nor by force (if, for instance, someone seized your hand and struck another [with it], you would not have done it willingly, since it was not up to you). But... it is possible that the victim is your father, and you know that he is your father. The same distinction must be made for the goal and for the action as a whole. Actions are involuntary, then, if they are done in ignorance; or they are done by force. For

¹⁸⁹ The *EN* is generally viewed as being Aristotle’s superior philosophical doctrine for a number of reasons. For example, it allows a man to act voluntarily even if he is unaware of what he is doing. In addition, it makes the conditions for voluntary action stand out clearly by describing them in negative terms (Sorabji, 1980, pp. 284-285).

we also do or undergo many of our natural [actions and processes], such as growing old and dying, in knowledge, but none of them is either voluntary or involuntary (*EN* 1135a24-1135b4).¹⁹⁰

As it can be seen, the excusing factors of force and ignorance are mentioned in all three of Aristotle's definitions.¹⁹¹ There is therefore an important difference between voluntary and involuntary actions. In brief, voluntary actions are neither externally forced nor performed in ignorance. These conditions can be framed positively in the following way:

- 1) **The control condition:** 'the action or trait must have its origin in the agent. That is, it must be up to the agent whether to perform that action or possess the trait—it cannot be compelled externally' (Eshleman, 2014).¹⁹²
- 2) **The epistemic condition:** 'the agent must be aware of what it is she is doing or bringing about' (Ibid).¹⁹³

¹⁹⁰ Aristotle's conditions for voluntariness capture the 'causal relation between agent and action' (Sauvé Meyer, 1993, p. 36). This is evidenced by Aristotle's claim in the *EE* that 'every substance is by nature a sort of originating principle: that is why each can produce many things similar to itself- for instance, man man, animals in general animals, and plants plants. But in addition to this man alone of animals is also an origin of actions of a kind; for action is ascribed to no other animal' (*EE* 1222b15-21).

¹⁹¹ Richard Sorabji details some differences between these three definitions of voluntary action and involuntary action. For example, he asserts that the latter two definitions recognise more sources of involuntary action, such as fear (Sorabji, 1980, p. 259).

¹⁹² The discussion of the control condition in this chapter relates to a philosophical account of responsibility. This can be compared to the discussion of Nagel's condition of control in 5.1, which concerns our pre-theoretical intuitions.

¹⁹³ See the *EN* (1110a1-1111b4) for Aristotle's discussion of these conditions.

Prior to discussing these conditions further, it should be noted that nonvoluntary actions and involuntary actions are not equivalent. For Aristotle, ‘everything caused by ignorance is nonvoluntary, but what is involuntary also involves pain and regret’ (*EN* 1110b18-20). There may be situations where a person is ignorant at the stage of acting but fails to feel regret for their action even after they have realised what they have done (*EN* 1110b20-24). In these types of scenarios, their action is not voluntary because the epistemic condition is not fulfilled, but it is not involuntary either because they do not feel regretful.¹⁹⁴ For the purpose of the present discussion, however, I will focus on the control and epistemic conditions for voluntary action because these are required for responsibility.

8.1.1 The Control Condition

In the *EN*, Aristotle ‘distinguishes force from compulsion and insists that only force makes action involuntary’ (Irwin, 1980, p. 121).¹⁹⁵ This is otherwise known as the control condition and it can be described in either positive or negative terms. To clarify, it could be said that the origin of the action needs to be up to the agent or, alternatively, that the action cannot be externally forced. In this case, the negative explains the positive. As Irwin writes, ‘to decide that the origin is in A we need only

¹⁹⁴ Aristotle does not discuss whether an individual should be held responsible for their nonvoluntary actions. Though, Hsieh argues that a person clearly is responsible because, ‘when a person acts non-voluntarily, his action does not substantially depend on his ignorance or mistake. He would have acted the same even if fully informed of all the relevant facts. So the essence of the action is voluntary. It is only not voluntary in some particular aspect regarded by the person as insignificant’ (Hsieh, 2013, p. 85).

¹⁹⁵ Aristotle adds that ‘compelled action, even when something overstrains human nature, is voluntary’ (Irwin, 1980, p. 121). It should be noted that those who perform a bad action because of conditions that overstrain human nature cannot be praised, but they can be pardoned (*EN* 1110a23-26). In the *MM* Aristotle explains the difference between actions performed by compulsion (*anankê*) and actions influenced by external forces (*bia*) (*MM* 1188b19-25).

decide that A does not do x by force; A's movement is forced only when the origin of A's doing is outside A altogether, and A contributes nothing' (Irwin, 1980, p. 122).

On the whole, the control condition simply requires an individual to be the source of their action.¹⁹⁶ As Aristotle asserts, 'what is forced, then, would seem to be what has its principle outside the person forced, who contributes nothing' (*EN* 1110b16-18). External forces are forces that impact an agent and lie beyond their control. Actions that are externally forced are involuntary because the agent does not govern their own movements. Instead, they move as an object. Hence, it can be said that someone who is pushed into a child by another person acts involuntarily.¹⁹⁷

8.1.2 The Epistemic Condition

The epistemic condition highlights a different requirement for voluntary action, which is that a person is required to possess the relevant knowledge about what they are doing or bringing about. An individual's action is usually influenced by their beliefs about their circumstances and so an error in their beliefs would fail to reveal

¹⁹⁶ Externally compelled actions are involuntary, whereas coerced actions are voluntary. To clarify, 'the former have their origin outside the person; the latter have their originating source inside him or her, specifically in the agent's desires, or decision-power, and in their thought' (Cooper, 2012, p. 34). For Aristotle, 'coercion requires truly exigent circumstances: believable threat to life, serious harm to oneself or someone one has responsibilities for or cares greatly about, and the like' (Cooper, 2012, p. 31, n. 28). Cooper gives an example of someone who betrays a state secret to keep their family safe (Cooper, 2012, p. 31). Bad actions done under coercion are given sympathetic allowance rather than blame, and when someone does the right thing, despite their exigent circumstances, they may be given sympathetic reservation (Cooper, 2012, p. 29).

¹⁹⁷ External compulsion can be described in terms of 'force', which is understood by Antony Kenny as 'duress' (Kenny, 1992, p. 83). Aristotle introduces his discussion of force in the *EE* where he remarks that 'the enforced is involuntary and all the involuntary enforced. So first we must consider actions done perforce, their nature and their relation to the voluntary and the involuntary. Now the enforced and the compelled, and force and compulsion, seem opposed to the voluntary and to persuasion in the case of actions done' (*EE* 1124a10-15).

the virtuousness or viciousness of their character. To illustrate, the captain of a ship may suffer a medical episode that leads him to hallucinate and falsely think that there is a storm. He jettisons his cargo in the belief that he is saving his crew and ship. However, in reality there is no storm, the crew are safe, and jettisoning the cargo simply means the loss of valuable assets. Given this scenario, the captain's action of throwing the cargo overboard can be judged as being bad in a non-moral way, but we should avoid making moral judgements about the captain because his actions are not indicative of a vicious character.

On a different but related note, Aristotle makes a distinction between those who act in ignorance of the particulars of a situation and those who act in ignorance of the universal. In short, ignorance of particulars can make an action involuntary while ignorance of universals can make an action voluntary.¹⁹⁸ Ignorance of particulars includes ignorance of circumstances and outcomes, but it does not include ignorance of universals, such as what is lawful or good:¹⁹⁹

Certainly every vicious person is ignorant of the actions
he must do or avoid, and this sort of error makes people
unjust, and in general bad. [This] ignorance of what is
beneficial is not taken to make action involuntary. For
the cause of voluntary action is not [this] ignorance in

¹⁹⁸ Cooper thinks that 'among the particulars one could be ignorant of are various "moral" features of the situation (Cooper, 2012, p. 34, n. 31). However, 'ignorance of some trivial and insignificant feature of an action would not make it, for Aristotle, an involuntary act' (Cooper, 2012, p. 36, n. 33).

¹⁹⁹ For Aristotle, there are two different types of universals: 'one type referring to the agent himself, and the other referring to the object' (*EN* 1147a4-5). Other types of ignorance include 'ignorance of what he ought to do and abstain from doing, ignorance of the expedient, ignorance in the choice' (Hardie, 1968, p. 157). Though, William Hardie suggests that 'these are alternative descriptions of one kind of ignorance' (*Ibid*).

the decision, which causes vice; it is not [in other words] ignorance of the universal, since that is a cause for blame. Rather, the cause is ignorance of the particulars which the action consists in and is concerned with, since these allow both pity and pardon. For an agent acts involuntarily if he is ignorant of one of these particulars (*EN* 1110b28-1111a4).

The distinction between ignorance of universals and ignorance of particulars is therefore a distinction between knowing something like a rule or general principle and knowing the specific details or particular facts of a situation.²⁰⁰ If someone acts based on a mistaken understanding of the relevant particulars of the situation, their action is ‘not what the person supposed it to be. He thought he was doing one thing when he actually did another’ (Hsieh, 2013, p. 82).²⁰¹ In contrast, a person who acts in ignorance of general rules or principles act as they intended and so their behaviour is reflective of their will as an agent (*Ibid*).²⁰²

Nevertheless, in some cases people can be misguided or misunderstand general principles of action (Hsieh, 2013, p. 81). For instance, it might be difficult for a person to discern what the best course of action should be if they were to

²⁰⁰ Ackrill speaks of the ‘ignorance test’ and claims that ‘the ignorance that makes my act *akousion* is ignorance of a feature that goes to define that act and not ignorance of a feature that simply characterizes it’ (Akrill, 1980a, p. 97).

²⁰¹ Aristotle believes that ‘[prudence] must also acquire knowledge of particulars, since it is concerned with action, and action is about particulars’ (*EN* 1141b15-18). To clarify, ‘prudence’ can otherwise be translated as ‘practical wisdom’.

²⁰² It is to be observed that Aristotle does not mention the justifiability of blaming those with ignorance of general principles. Though, he does say the following: ‘since an agent may be ignorant of any of these particular constituents of his action, someone who was ignorant of one of these seems to have acted unwillingly, especially if he was ignorant of the most important; these seem to be what he is doing, and the result for which he does it’ (*EN* 1111a16-19).

discover that their spouse had been unfaithful. Many people would struggle between deciding if the best course of action involves ending a marriage or if it involves forgiveness. It may be more obvious to someone that they should end a physically or emotionally abusive relationship, but it might be less clear whether they should forgive their partner for telling a series of lies. These scenarios show that the application of the correct moral principles is not always straightforward. Aristotle recognises these kind of epistemic difficulties when he asserts that ‘knowing how actions must be done, and how distributions must be made, if they are to be just, takes more work than it takes to know about healthy things’ (*EN* 1137a13-15).

A particularly interesting case to consider is the story of Oedipus. Oedipus arrived at a crossroads to find a man in a chariot blocking his way and, in a fit of rage, he attempted to remove the man from the road by hitting him with a stick. The stranger was killed and Oedipus continued his journey to Thebes. It eventually transpired that the stranger in the road was his father. Nussbaum recognises this as a thought-provoking case for Aristotle:

If we should believe, with Aristotle, that being good is not sufficient for *eudaimonia*, for good and praiseworthy living, then pity will be an important and valuable human response. Through pity we recognize and acknowledge the importance of what has been inflicted on another human being similar to us, through no fault of his own... We pity Oedipus, because the appropriate action to which his character led him was

not the terrible crime that he, out of ignorance,
committed (Nussbaum, 1986, p. 385).

This story is interesting because it identifies a scenario in which feelings of pity, as opposed to blame, are acceptable in cases where an agent acts because of ignorance. As Aristotle says, ‘some involuntary actions are to be pardoned, and some are not. For if someone’s error is not only committed in ignorance, but also caused by ignorance, it is to be pardoned. But if, though committed in ignorance, it is not caused not by ignorance but by some feeling that is neither natural nor human, it is not to be pardoned’ (*EN* 1136a5-9).²⁰³

We pity Oedipus because he acted out of excusable ignorance. He did not intend to kill his father because he was unaware of the identity of the man in the chariot. Accordingly, Nussbaum argues that the murder of his father is voluntary, whereas the patricide of his father is *akousion* (Nussbaum, 1986, p. 283). If we focus on whether he is responsible for killing his father and not on his responsibility for killing a human being in general, it can be argued that Oedipus is not to blame. Owing to the ignorance that is found in this case, Aristotle would specifically claim that Oedipus cannot be held responsible for his father’s death because a condition for voluntary action is not fulfilled.²⁰⁴

The story of Oedipus reveals the importance of assessing the reasons for why a person performed a certain action. Once we have ascertained the reasons why they acted, we can pass judgement about whether they are praiseworthy or

²⁰³ Acting ‘in ignorance’ can therefore be distinguished from acting ‘because of ignorance’.

²⁰⁴ Aristotle appears to accept the ignorance found in the case of Oedipus. He writes, ‘it is possible that the victim is your father, and you know he is a human being or a bystander, but do not know that he is your father’ (*EN* 1135a29-30).

blameworthy.²⁰⁵ To determine an individual's reasons for acting, we must see the situation from their point of view and understand the difficulties they faced. For example, by imagining ourselves in the same circumstances as Oedipus it can be seen more clearly that his ignorance of his father's identity is excusable.²⁰⁶

It can be seen, then, that Aristotle's list of excusing factors for voluntary action consists solely of force and ignorance. As a result, it may be criticised for being too short. In response, 'it can be said that no list of excusing conditions can be complete, and further that Aristotle would not have wanted to extend his list at the cost of considering categories which apply only to very special situations' (Sorabji, 1980, p. 271). Despite this, the discussion in Chapters Nine and Ten will show that the complex theory should be preferred to the simple theory for a number of reasons.

8.2 The Complex Theory of Moral Responsibility

As previously mentioned, both the simple theory and the complex theory of moral responsibility require an individual to act voluntarily. In addition to this requirement, the complex theory requires a morally responsible agent to have the capacity for effective deliberation. Therefore, to fully appreciate the difference between the simple theory and the complex theory of responsibility the relevant terms need to be

²⁰⁵ Aristotle 'draws a strong contrast between *what* is done – which might have been done from various motives or inadvertently – and *why* it is done. If inferences to the character of the agent are to be made from the character of the thing done, it must have been done "for itself" (Ackrill, 1980a, p. 94).

²⁰⁶ Aristotle provides a similar example involving Merope, who mistakes his son for an enemy (*EN* 1111a12).

understood. In short, ‘deliberation’ is inextricably linked to ‘choice’, which is described as follows:²⁰⁷

[Deliberation] is a process whereby practical thought articulates a general good that we wish for and focuses it on a particular action it is in our power to do, thereby producing in us a desire to do this thing. A desire is formed by the realization that the action will fulfil one of the ends endorsed by our reasoned view of the good life, and this more specific desire – more specific, that is, than the general wish from which it derived – is what Aristotle calls choice... choice is desire pursuing what reason asserts to be good (Burnyeat, 1980, pp. 82-83).²⁰⁸

There is a distinctive relationship between moral responsibility and deliberation. As Irwin writes, ‘deliberation makes the agent more than a passive subject or spectator of his desires; it makes him able to do something about them’ (Irwin, 1980, p.

²⁰⁷ Deliberation concerns the things that relate to an individual’s goals, but not the actual goals themselves (Gottlieb, 2006, pp. 219-220). Aristotle provides the following examples: ‘a doctor, for instance, does not deliberate about whether he will cure, or an orator about whether he will persuade, or a politician about whether he will produce good order, or any other [expert] about the end [that his science aims at]’ (*EN* 1112b12-16).

²⁰⁸ As Aristotle remarks, ‘what we decide to do is whatever action, among those up to us, we deliberate about and [consequently] desire to do. Hence also decision will be deliberative desire to do an action that is up to us; for when we have judged [that it is right] as a result of deliberation, we desire to do it in accord with our wish’ (*EN* 1113a10-15).

130).²⁰⁹ To clarify further, he comments that ‘rational agents are capable of doing more than simply acting on a desire they find to be strongest; they can also affect the strength of their desires by further deliberation’ (Irwin, 1980, p. 131).

Irwin also asserts that a person’s ‘rational desire must be formed by some special kind of deliberation that does not depend on some single nonrational desire for some single end... a rational desire results from someone’s deliberation about what would be best to do in light of all his aims’ (Irwin, 1980, p. 128). This means that a person must have a grand vision of their life in order to have a rational desire. This vision must include things such as what is good for them and what actions they need to perform to be happy.²¹⁰

For Aristotle, happiness (*eudaimonia*) is ‘the proper object of a rational person’s desire, because it is the achievement of everything that deserves to be achieved for its own sake, and is therefore the most complete of goods’ (Irwin, 1980, p. 129).²¹¹ Hence, ‘a desire is rational insofar as it is formed by deliberation about the role of this action in the agent’s plan for happiness’ (Ibid).²¹² If a person discovers that their current lifestyle or desires are not conducive to this plan, they must be able to revise them using reason.²¹³ As a consequence, a person would lack the capacity

²⁰⁹ Randall Curren similarly asserts that ‘it is having the capacity for choice or decision that makes fully developed human beings sources of action, and not merely sources of motion, and this capacity for choice requires a capacity for reasoning and a state of character’ (Curren, 1989, p. 264).

²¹⁰ See 7.3 for an overview of Aristotle’s conception of happiness (*eudaimonia*).

²¹¹ See the *EN* (1097a25-b21).

²¹² Aristotle is justified in thinking that happiness is the object of rational desire because happiness ‘is the ultimate end that includes everything that we have reason to choose for itself; when we understand this, we have a rational desire for happiness’ (Irwin, 1980, p. 129).

²¹³ As Irwin remarks, ‘if virtue requires the formation of the right conception of one’s good, it is reasonable for Aristotle to believe that it requires the right decision, and therefore is confined to agents capable of decision’ (Irwin, 1988, pp. 341-342). To clarify, Irwin asserts that ‘a correct conception of my good requires some conception of the sort of being that I am, some view of my nature, and some thought about the sorts of desires and aims that best suit my nature. This aspect of deliberation implies a fairly extensive possible criticism and rational assessment of current desires’ (Irwin, 1988, p. 338). What is more, a person must be able to ‘compare the results of different actions;

for effective deliberation about a particular desire if their desire is a compulsion that cannot be changed through a process of deliberation:

Why is an animal not responsible? We are inclined to say it “can do nothing about” its desires; it just has them and acts on them. If a human being could do nothing by further thought to alter his desires, we would be inclined to say that he is no more responsible for his action on those desires than an animal would be; no further reflection or deliberation would change the desire he now has and acts on. Such a person’s desires and actions are totally compulsive, and it would be unreasonable to hold him responsible for acting on them (Irwin, 1980, pp. 129-130).

The complex theory’s requirement for the capacity for effective deliberation helps us to better understand our intuitions, which seem to point towards the direction that animals, children, and those with compulsive desires should not be held morally responsible for their actions. As I will discuss in greater detail in 9.1.1, the complex theory shows that non-rational agents habituated to performing certain good or bad actions are not the appropriate candidates for moral praise and blame.²¹⁴ This is because only rational agents with the capacity for effective deliberation have a

and... reach a view about what is best to do as a result of the comparison of present and future that we have described’ (Irwin, 1988, pp. 336-337).

²¹⁴ As Irwin writes, both non-rational and rational agents are capable of ‘being habituated to form the right permanent inclination in favour of virtuous action’ (Irwin, 1988, p. 341).

conception of their own happiness and the ability to reflect upon and alter their desires (Irwin, 1988, p. 341).²¹⁵

For example, we might praise a guide dog who saved its owner's life at a busy junction. Yet, only adult humans with the capacity for effective deliberation are worthy of moral praise, which carries a unique gravity. Although the dog is trained to help their owner cross the road safely, it acts solely to satisfy its desires. There is therefore an important difference between the actions of the dog and the actions of someone who is capable of engaging in a process of rational deliberation.²¹⁶

For the purpose of the present discussion, however, I focus on the difference between those who are able to refrain from performing certain actions and those who are unable to refrain on account of their compulsions. Consider the scenario of a kleptomaniac whose urge to steal is so strong that they cannot hold back from thieving. In this instance, they are unable to deliberate effectively and so they should not be held morally responsible. Similarly, a person's moral responsibility for consuming illegal drugs will depend on whether or not they are addicted or can keep from such behaviour. This is because an addict lacks the capacity to deliberate effectively about their compulsion, whereas a person with this capacity is able to

²¹⁵ A person with a particular desire may develop a plan or perform an action to satisfy that desire. However, this would not qualify as effective deliberation. The reason is that, 'rational agents have decision (*prohairesis*), while non-rational agents have only appetite and emotion... Decision is deliberative desire... and so it seems to be the sort of desire that will result from a rational appearance. It is a desire formed by deliberation beginning with some more general desire. But not just any general desire can underlie a decision; it must be a wish (*boulêsis*), a rational desire for the good, not an appetite or emotional desire' (Irwin, 1988, p. 337).

²¹⁶ For Aristotle, genuine decision and rational desire involves someone to deliberate about their 'overall good, considering all his rational aims, affects the strength of particular desires, so that they produce the best actions' (Irwin, 1980, p. 130). Animals and children are therefore unable to engage in a process of rational deliberation.

consider the potential side effects of their actions and choose to deny themselves the drugs.²¹⁷

It may be argued in response that the kleptomaniac and addict are responsible for stealing and consuming drugs. Alternatively, it may be argued that both are responsible but that their actions are excusable. Though, these replies can be criticised because our ordinary intuitions point to the conclusion that those who act on their compulsive desires lie beyond the realms of moral responsibility. This remains the case even in scenarios where a person's compulsive desires fail to negate their causal or legal responsibility for their actions.

To provide an explanation, our notion of moral responsibility is connected to the idea that a person must be free to act. The reason is that 'we normally suppose that a responsible person can do something about the desires he acts on – that it is not compulsively strong but is responsive to his reasoning and deliberation' (Irwin, 1980, p. 131). In other words, an individual must be able to resist performing a certain action in order to be held morally accountable for it. As a result, it would be counterintuitive to hold someone responsible for acting on a compulsive desire because they do not act with the freedom that our notion of moral responsibility ordinarily presupposes.

A morally responsible person is therefore required to have the capacity for effective deliberation, regardless of whether they exercise this capacity or not. Nevertheless, we can criticise a person with this capacity but who fails to deliberate or to do so effectively (Irwin, 1980, p. 130). Imagine that the kleptomaniac's desires will be satisfied irrespective of the monetary value of the stolen item. Although we

²¹⁷ To clarify, 'a decision based on deliberation about the satisfaction of an appetite is not a decision' (Irwin, 1988, p. 598, n. 22).

cannot hold them morally responsible for stealing, they can be criticised if they have the capacity to deliberate effectively about what to steal and go on to deliberate badly or fail to deliberate at all. For instance, if they are faced with the option of stealing expensive handmade jewellery from a struggling family business or stealing penny sweets from a large supermarket, we might want to criticise them for choosing to steal the jewellery instead of the sweets.

Likewise, if someone with the capacity for effective deliberation makes a foolish choice ‘we can criticize that choice; either he deliberated badly or he should have deliberated and did not’ (Ibid). Imagine that a person who is severely malnourished rejects an offer of a cooked meal because they falsely believe that only raw foods are nourishing. In this case, we would want to criticise them for deliberating badly. There could also be instances where a person’s capacity for effective deliberation is impeded by things such as disability, disease or traumatic injury.²¹⁸ In these types of cases, ascriptions of moral responsibility, praise, and blame would be inappropriate.

8.2.1 Aristotle’s Commitment to the Complex Theory

As the discussion in 8.2 shows, I follow Irwin by arguing that the complex theory is the correct theory of responsibility because ‘Aristotle is right to suggest that decision and rational desire, as he understands them, are important for responsibility’ (Irwin, 1980, p. 131). I also follow Irwin by arguing that Aristotle is committed to the complex theory (Irwin, 1980, p. 117). In particular, I argue that Aristotle is

²¹⁸ See 10.5.1.

committed to the complex theory for two specific reasons. First, his discussion of force and ignorance shows that a person's inner feelings of pain and regret make a difference to the voluntariness or involuntariness of their actions. This only makes sense if he is concerned with the relationship between rational agency and action. Second, the complex theory is able to show what is confusing about so-called 'mixed actions'.

In more detail, the first reason that commits Aristotle to the complex theory is that, in his discussion of voluntary action, he seems to be concerned with the relationship between rational agency and action. Reconsider the conditions for voluntary action. In short, an individual must act without being externally forced and neither can they act in ignorance. Although these conditions seem relatively straightforward, they are more complicated than they initially appear.

Aristotle defines a forced action as something that has an 'external principle, the sort of principle in which the agent, or [rather] the victim, contributes nothing' (*EN* 1110a2-3). Yet, he goes on to say that 'if we are forced and unwilling to act, we find it painful' (*EN* 1110b11-13). What this means is that if you enjoy performing a certain action then it cannot be forced. For instance, if you feel pleased that someone pushes you and makes you fall into your enemy it shows that you contribute something, despite your contribution being unnecessary for the result (Irwin, 1988, p. 342). Aristotle 'denies that such behaviour is involuntary, even though the actual causal sequence is just the same as it would be in an involuntary action; the process of your pushing me and my bumping into my enemy would have been no different' (*Ibid*).

Aristotle also makes a related distinction in his discussion of ignorance when he claims that ‘the agent who acts involuntarily is the one who acts in accord with this specific sort of ignorance, who must also feel pain and regret for his action’ (*EN* 1111a19-21). Again, this shows that the causal sequence is the same as it would be in an involuntary action, but what makes an action genuinely involuntary is the attitude of the agent (Irwin, 1988, p. 342).

Aristotle’s assertions are evidence that voluntary actions are distinguishable from involuntary actions and nonvoluntary actions based on the attitude of the agent.²¹⁹ Such distinctions are curious if Aristotle seeks only to identify the causal relation between an individual and their action. Instead, these ‘distinctions are more reasonable if his primary concern is the relation of rational agency to the action. Though my pleasure and pain make no actual difference to what happens, they indicate my attitude to the action, and so reveal my character and the decision that has formed it’ (Irwin, 1988, pp. 342-343). To provide an example, if you are forced to injure another person and you gain pleasure from hurting them, your feelings are indicative of a defective character and poor decision making. This leads Irwin to make the following assumption:

If Aristotle wants our judgements about praiseworthiness and blameworthiness to focus on this aspect of the agent, he is right to argue that the agent’s pleasure affects his responsibility, even if it does not affect the action. But to focus on this aspect of the

²¹⁹ See 8.1 for a brief discussion of nonvoluntary action.

agent is exactly to focus on the distinctive feature of rational agency, as we have described it – the agent’s conception of his good and the states of character he has formed to shape his whole life in a particular way. Distinctions that initially seem anomalous turn out to be reasonable in the light of his view of rational agency (Irwin, 1988, p. 343).

What is more, I believe that if Nussbaum is right about Aristotle’s response to the case of Agamemnon then this would also be indicative of the connection that he makes between rational agency and responsibility. As discussed in 4.4, Agamemnon had the option of murdering his daughter Iphigenia or facing the wrath of the Goddess. He murdered his daughter voluntarily and it was an action that he deliberated about and chose. In spite of this, ‘we might say, in his case as well, that the world, by causing this tragic conflict to arise, has created for him a gap between his good character and its natural unconstrained expression in action’ (Nussbaum, 1986, pp. 334-335). Therefore, ascriptions of praise or blame in such cases might be inappropriate.

According to Nussbaum, Aristotle would contend that our negative judgements about Agamemnon should be withheld if he had displayed a good character and acted better (Ibid).²²⁰ However, as the case stands, the worst thing

²²⁰ Athanassoulis (2005) and Statman (1993) think that Aristotle would support the idea that there is always a best course of action that an individual should take out of any given alternatives. This is also evidenced by Crisp’s discussion of Aristotle’s evaluative scheme of ranking actions from best to worst. As he remarks, ‘the right action is perhaps the best; but of wrong actions some are significantly better than others, to the extent that they may be highly admirable and worthy of honor and praise.

about Agamemnon's decision to murder his daughter is that he came to be increasingly committed to the idea that he should be praised for his decision. As a result, Agamemnon should be blamed more for his attitude towards killing his daughter than for the actual act of murdering her. This is because he failed to display the appropriate amount of remorse for her death (Nussbaum, 1986, p. 50). Consider the following argument by Nussbaum to this effect:

The best the agent can do is to have his suffering, the natural expression of his goodness of character, and not to stifle these responses out of misguided optimism. The best we (the Chorus) can do for him is to respect the gravity of his predicament, to respect the responses that express his goodness, and to think about his case as showing a possibility for human life in general (Ibid).

If this is correct, it means that a person's inner feelings are important for our considerations of moral responsibility, praise, and blame. Once more, it seems curious as to why Aristotle would be concerned with the attitude of a person if he seeks only to identify the causal relation between a person and their action. Thus, decision seems to play a significant role in our evaluations of others because the actions that people perform on the basis of their deliberations are indicative of their good or bad characters.

One should, within one's limits, always aim as high as possible, and should not assume that falling short of the best is an utter failure to achieve the noble' (Crisp, 2006, p. 169).

The second reason that commits Aristotle to the complex theory is that it is able to show what is confusing about ‘mixed actions’. The captain who jettisons his cargo in a storm acts voluntarily because he had the choice to keep the cargo on-board and risk the sinking of the ship. Nevertheless, Aristotle describes the action of the ship’s captain as being mixed (*EN* 1110a9-10). The reason these types of actions are called mixed is because, even though they are voluntary, the person acting makes an unwelcome decision.²²¹ Cases of mixed actions are therefore perplexing. Throwing the cargo overboard was an unwelcome choice for the captain, even though he acted voluntarily. Irwin draws on the complex theory to help us understand what is so strange about these cases:

They are compelling, not because they compel someone against his rational desires, but because he is compelled to choose rationally actions that are against his rational plan... the captain’s rational plans include delivering his cargo, not abandoning it; but if he is to be a rational planner at all, he must survive, and to do that he must violate part of his rational plan and do what is needed to stay alive... this theory shows how they are responsible actions, caused by rational deliberation, and

²²¹ For Aristotle, mixed actions can be praised, blamed or pardoned. He writes, ‘for such [mixed] actions people are sometimes actually praised, whenever they endure something shameful or painful as the price of great and fine results. If they do the reverse, they are blamed; for it is a base person who endures what is most shameful for nothing fine or for only some moderately fine result. In some cases there is no praise, but there is pardon, whenever someone does a wrong action because of conditions of a sort that overstrain human nature, and that no one would endure. But presumably there are some things we cannot be compelled to do. Rather than do them we should suffer the most terrible consequences and accept death’ (*EN* 1110a20-27).

yet not fully expressive of the ends someone has chosen
by rational deliberation (Irwin, 1980, pp. 136-137).

Having provided an overview of the complex theory, the discussion in subsequent chapters will identify the reasons why this theory should be preferred to the simple theory. In brief, I argue that it can best account for our ascriptions of moral responsibility, praise, and blame in cases of moral luck and moral fortune.

9

Solving the Problem of Moral Luck

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The main aim of this chapter is to understand and eventually reconcile the influence of moral luck with our moral judgements. To do so, I argue that an individual who meets the requirements of the complex theory can justifiably be held morally responsible for their actions. The discussion begins by providing a summary of my overall solution to the problem of moral luck. I then go on to discuss a key reason in favour of the complex theory, which is that it provides an explanation as to why animals and children are not the suitable candidates for moral praise and blame. In alternative terms, it justifies our intuitions that moral judgements of praise and blame are of a special kind, which attach solely to those with the ability to influence their intentions, values, and beliefs through reason and choice.

In addition, the simple theory can be criticised for being over inclusive. The reason is that it holds people responsible for their voluntary actions, regardless of whether or not they have the capacity for effective deliberation. As a consequence, it yields a counterintuitive verdict about responsibility in cases where someone acts voluntarily but lacks this capacity. This will be further evidenced by the discussion of cases in 9.2 and 9.3.

9.1 A Solution to the Problem of Moral Luck

The problem of moral luck is the problem of whether, given that moral luck exists, we are justified in ascribing moral responsibility and praising or blaming morally lucky agents. It is therefore necessary to put forth a suitable defence of these judgements. The discussion in Chapter Five offered a critique of Nagel's formulation of the problem and provided some of the groundwork for a solution. I will now re-

examine these fundamental arguments before elucidating how the complex theory of moral responsibility can be used to show that there is no problem of moral luck.

At the outset, moral judgements in cases of moral luck appear to contradict the Control Principle, at least as it is understood by Nagel. The Control Principle emphasises that ‘we are morally assessable only to the extent that what we are assessed for depends on factors under our control’ (Nelkin, 2013). Strikingly, Nagel construes this condition of control in terms of regressive control. This is evidenced by his discussion about how what we do is gradually eroded by ‘the subtraction of what happens’ until responsibility ends (Nagel, 1979, p. 38).

As I argued in 5.1, his interpretation of control is too demanding for moral responsibility. Ordinarily, we would not expect a morally responsible person to exercise control over every factor influencing their action. Instead, we anticipate that the action has its origin in the agent and is not forced. Interpreting control in this way shows that the Control Principle is implausible and that moral luck is less pervasive than Nagel believes.

What is more, Nagel makes the problem of moral luck appear to be more serious than it really is by confusing the justifiability of moral judgements with legal judgements. I concur that there are often discrepancies to be found between the legal punishments inflicted on those affected by varying degrees of moral luck. For instance, the driver who harmed the child is legally punished more severely than the driver who arrived home without incident. This variation in punishment can be justified on the basis of the law’s demand for retributive justice.

The legitimacy of certain legal penalties, however, is unrelated to the legitimacy of our moral assessments. The reason is that the nature and purpose of

moral judgements differ from those of legal judgements and from other types of formal sanctions. It should also be acknowledged that Nagel advocates a purely Kantian conception of morality. Again, this assumption concerning the nature of morality makes the problem of moral luck appear to be more serious than it really is.

9.1.1 The Complex Theory and Moral Luck

Having scrutinised a number of Nagel's key arguments pertaining to the moral luck debate, it is clear that moral luck is neither as pervasive nor as damaging to morality as he claims. Nonetheless, in order to solve the problem of moral luck there is a demand for a theory of moral responsibility that can justify our ascriptions of moral praise and blame in these types of cases. I argue that Aristotle's complex theory of moral responsibility provides such justification.

Furthermore, I judge the benefits of the complex theory by comparing it to the simple theory.²²² To recap, both theories require an individual to act voluntarily, but the complex theory additionally requires a person to have the capacity for effective deliberation. Overall, the complex theory has the conceptual resources to capture moral responsibility and vindicate our moral judgements in cases of moral luck.

²²² Discussions in the literature on moral luck have made little or no mention of Aristotle's different theories of responsibility. The exception is Hsieh (2013), who correspondingly advocates the complex theory of moral responsibility. Yet, her argument can be criticised for two reasons. First, she assumes the validity of the complex theory without justification. Second, her response to cases of resultant moral luck includes holding people responsible for the contributions of fate. This is problematic because holding someone responsible for 'what he has done in the broader sense is akin to strict liability, which may have its legal uses but seems irrational as a moral position' (Nagel, 1979, p. 31).

The complex theory should be preferred to the simple theory for two reasons. First, it captures our intuitions that moral responsibility is of a particular type, which exclusively applies to the voluntary actions of ‘normal’ adult humans (Irwin, 1980, p. 132). In other words, moral responsibility applies solely to those who are able to decide effectively about their actions. Second, the simple theory could yield an incorrect verdict about moral responsibility in certain cases of moral luck. As a result, it can be criticised for being over inclusive.

In more detail, the first reason the complex theory should be preferred to the simple theory is that it provides a plausible account of moral responsibility, which captures our intuitions regarding the responsibility of animals, children, and adult humans. This is because the complex theory provides an explanation as to why animals and children are not the suitable candidates for moral praise and blame.

As Aristotle believes, voluntary actions have their origin in us (*EN* 1111a22-24). This means that the origin of essentially rational agents is within them in so far as it is in their rational agency. In contrast, the origin of non-rational agents cannot depend on their rational agency because they have none (Irwin, 1988, p. 343). This means that rational humans are essentially different from non-rational animals and that their origin supports claims about responsibility:

Even if I act without deliberation and premeditation on a sudden impulse of emotion or appetite, the origin may still be in my character and decision; for the presence or strength of my desire may be the result of the character and decisions that I have formed. I failed to do what I

could reasonably be expected to do to prevent its growth. If my voluntary actions are related in this way to my decision and character their origin is in me in the relevant sense, and I am fairly held responsible for them, even though an animal would not be held responsible for its voluntary actions (Irwin, 1988, p. 344).²²³

As it can be seen, responsible adult humans with the capacity for decision can be distinguished from animals and children who act voluntarily without being responsible (Irwin, 1980, pp. 127-128). This helps us to see what is seriously wrong with the simple theory, which is that it leads to the following contradiction: ‘A is responsible (a proper candidate for praise and blame) for doing x if and only if A does x voluntarily... animals and children act voluntarily... animals and children are not responsible for their actions’ (Irwin, 1980, p. 125).

Although children are capable of exercising more control over their actions than animals, they are not morally responsible because they are unable to deliberate effectively about their actions. The reason is that animals and children do not form a conception of their own good. Instead, they have only a simple hedonistic sense of what is good and bad. This means that they understand ‘good’ in terms of something that brings them pleasure and ‘bad’ in terms of something that brings them pain.

²²³ Advocating the complex theory would mean that people who act on impulse or without deliberation can be held morally responsible provided that they have the capacity for effective deliberation (Irwin, 1980, p. 132). Though, Irwin asserts that a person could be blamed less for unpremeditated actions or for actions that are produced in haste (Irwin, 1980, p. 135).

As a case in point, if a child remarks that their “birthday cake is good” they are passing judgement about how enjoyable they find the cake, as opposed to the benefits of eating it. Thus, ascriptions of moral praise and blame are not applicable to these types of agents because such attitudes ‘are intended to affect someone’s deliberation, so that on reflection he will come to choose what he has been praised for and avoid what he has been blamed for’ (Irwin, 1980, p. 134).²²⁴

The complex theory therefore allows for the idea that, owing to their capacity for effective decision making, only adult humans are the suitable candidates for moral praise and blame.²²⁵ This is because they can influence their intentions, values, and beliefs through reason and choice. For example, they are able to predict the consequences of their actions, assess the impact that these could have upon others, and use reason to influence their moral characters. Provided that they have this capacity, even those without a rational desire to perform a good or bad action can be held morally responsible. What they are praised or blamed for is the ‘results of their deliberation or failure to deliberate’ (Irwin, 1980, p. 141).

Accordingly, the simple theory is unable to provide a defence of our moral judgements because it fails to account for a person’s rational agency. Even though approval or disapproval can be expressed about the actions performed by animals and children, these judgements differ from moral judgements. To provide an example, a child can be berated for purposefully stamping on their mother’s foot, whereas a rational adult who performs the same action is morally responsible and

²²⁴ See 4.3 for a discussion regarding the purpose of our non-moral and moral judgements.

²²⁵ A potential criticism of the complex theory might be that it is unknown what the cut-off point is between a child who is incapable of effective deliberation and a fully rational adult. To help clarify, Aristotle refers to 16-18 year olds as young adults with the capacity for deliberation and decision (Cooper, 2012, p. 63).

blameworthy for the incident. Hence, the complex theory has an advantage because we implicitly assume in every case that moral responsibility attaches solely to those with the capacity for effective deliberation. Moral agency demands the ability to act rationally, which is the reason why animals and children are not the appropriate candidates for moral praise and blame.

The second reason the complex theory should be preferred is that the simple theory can be criticised for being over inclusive. This is because the simple theory holds adults responsible for their voluntary actions, irrespective of whether or not they have the capacity for effective deliberation. As it will be discussed further in 9.2 and 9.3, this is not necessarily a problem in cases where a person has this capacity and acts voluntarily because both theories would reach the same decision about responsibility. Still, the complex theory does make a specific difference to our verdicts in cases where a person acts voluntarily but lacks this capacity. The reason is that it provides an explanation as to why such a person should not be held morally accountable for their actions. In accordance with the simple theory, however, they would be held responsible and this seems counterintuitive.

Given this clarification, meaningful moral judgements can be made about the voluntary actions of those who have the capacity to deliberate effectively. In particular, the complex theory provides a way of establishing moral responsibility and of recognising the appropriate candidates for moral praise and blame in cases of moral luck. Although a person's praiseworthiness or blameworthiness will depend on the specifics of their situation, it can be said more generally that someone is praiseworthy if they chose to act well out of other worse alternatives. Likewise, someone is blameworthy if they could have and should have acted better. In other

words, we should praise those who deliberated and chose a better course of action and blame those who deliberated and chose a worse course of action.

9.2 Responding to Cases of Circumstantial Moral Luck

Having provided an overview of the reasons why the complex theory should be preferred to the simple theory, the complex theory can be straightforwardly applied to the paradigmatic examples of circumstantial moral luck cited in 4.4. Thus, ascriptions of moral responsibility, praise, and blame attach to those who are capable of effective deliberation and who act voluntarily. As it will be seen, the lucky or unlucky circumstances in which a person finds themselves has no bearing on the moral evaluative status of their actions once they are in a particular situation.

Example One: An Opportunity

The first example of circumstantial moral luck involved the case of Demjanjuk, who is otherwise known as ‘Ivan the Terrible’. Demjanjuk was captured as a prisoner of war by the Germans during World War Two. Ensuing from his capture he was offered work as a camp guard with the SS and during this time he brutally murdered hundreds of prisoners. The opportunities available to Demjanjuk were influenced by circumstantial moral luck. Had his circumstances been different he would have avoided carrying out such wicked crimes. Nonetheless, Demjanjuk can be blamed for the murders that he committed so long as conditions (a) and (b) of the complex theory are satisfied. What is more, he deserves extra blame for the sheer brutality of those murders.

To begin, condition (b) is satisfied because the control and epistemic conditions for voluntary action are met. The control condition is met because Demjanjuk was not externally forced to murder innocent people, especially in such a brutal way. In addition, the epistemic condition is met because he acted knowingly and intentionally. It would have been clear to him that sadistically murdering hundreds of people would have caused a large amount of unnecessary suffering.

According to the simple theory, Demjanjuk is responsible for his voluntary actions regardless of whether or not he had the capacity for effective deliberation. Hence, if we advocate the simple theory and Demjanjuk did lack this capacity, then we would be committed to the view that he is responsible. This seems contrary to what common sense would suggest and so the simple theory can be criticised for being over inclusive.

The complex theory has an advantage because it would yield a verdict about Demjanjuk's responsibility that is more in line with our intuitions. For instance, if Demjanjuk acted solely to satisfy a compulsive desire to kill then he could not be counted as acting rationally. In other words, he lacked the capacity for effective deliberation, which means that his actions lie beyond the scope of moral responsibility.

On the other hand, if Demjanjuk did have the capacity for effective deliberation he could be held morally responsible for his voluntary actions.²²⁶ Furthermore, he would be an appropriate candidate for moral blame, irrespective of the circumstances in which he found himself. More precisely, he would deserve blame for committing murder and he would also deserve extra blame for acting so

²²⁶ As the discussion in 8.2 helps to clarify, whether or not Demjanjuk actually exercised his capacity for effective deliberation is immaterial.

wickedly. He could have lessened his degree of blameworthiness by choosing to act less barbarically, but he did not do so.

A different point concerns Nagel's assumptions concerning counterfactual scenarios. To clarify, our ascriptions of moral responsibility in cases such as this are unaffected by the idea that others might have behaved similarly in an identical situation. This is because 'cross-circumstance comparisons are irrelevant to judgments of actions' (Hsieh, 2013, p. 104). Imagine, then, that there is a different person to consider. Michael was born in 1995 and has since resided in Poland, fifty years after the end of World War Two. Had Michael been born early enough to collaborate with the Nazi party he would have done so, but this does not mean that he is blameworthy.²²⁷ The reason he is not blameworthy is because we cannot ascribe moral responsibility to an individual who has never been in the relevant situation. The possible world in which Michael supports the Nazis is too distant from the actual world for us to make meaningful moral judgements about him.

Still, it might be asked whether he can be blamed for his character, namely, those personality traits that make it likely that if he were found in the envisioned counterfactual circumstances he would collaborate with the Nazis. In response, Michael can only be blamed for his character traits if they are cultivated voluntarily and if he has the capacity for effective deliberation.²²⁸ For the purpose of the present discussion, however, the example of Demjanjuk shows that what is important for our assessments of moral responsibility is how people act in their actual circumstances, regardless of how good or bad those circumstances are.

²²⁷ For a similar example, see Peels (2015, p. 80).

²²⁸ For an explanation, see 10.5. This discussion draws attention to the way in which responsibility for character differs from responsibility for actions.

A person could make the right choices and receive credit, even in demanding situations. Accordingly, people should not be held responsible for any aspect of their situation that lies beyond their control, but they can be praised for performing the best possible action that was available to them in their circumstances. It can therefore be seen that luck sometimes influences an individual's opportunities, but it does not affect the moral evaluative status of their voluntary actions once they are in a particular situation.²²⁹

Example Two: A Moral Quandary

The second example of circumstantial moral luck concerned the Stanford Prison Experiment led by Zimbardo. The experiment involved a functional simulation of a prison and was used to document variations in people's behaviour. Zimbardo separated his volunteers at random into groups of 'prisoners' and 'guards'. Over the course of the experiment the prisoners were severely harassed by the guards, which led to the early termination of the experiment.

Circumstantial moral luck influenced the moral quandaries that the guards faced. Had their circumstances been different they would most likely have avoided inflicting harm upon others. For instance, they may have never been chosen to participate in the experiment. Despite this, the guards can be blamed for their treatment of the prisoners so long as conditions (a) and (b) of the complex theory are satisfied.

²²⁹ Herdova and Kearns point out that 'the agent who did become a Nazi officer shares his situation (broadly speaking) with many people who did not become Nazi officers. This suggests that the officer's actions are not down to the luck of his circumstances in any significant way. Those agents who share his circumstances and yet act morally provide evidence that the officer's behaviour stems from distinctive traits, mental states, and patterns of intentional action that together provide a good basis for moral assessment' (Herdova & Kearns, 2015, p. 364).

In this scenario, condition (b) is satisfied because the guards acted voluntarily. The control condition for voluntary action is met because the guards were not externally forced to treat the prisoners badly. They could have easily chosen to act less aggressively. Furthermore, the epistemic condition is met because they knowingly and intentionally caused harm to the prisoners. They should have been aware that the punishments they inflicted were too severe.

According to the simple theory, the guards are responsible for their voluntary actions regardless of whether or not they had the capacity for effective deliberation. Again, this means that the simple theory can be criticised for being over inclusive because, if it transpires that the guards did in fact lack this capacity, they would still be held responsible for their actions. To illustrate, this might mean that they are responsible even if Zimbardo had brainwashed them to act cruelly. Clearly, this seems counterintuitive and so the complex theory has an advantage because it offers an explanation as to why the guards would not be the appropriate candidates for moral responsibility in this particular scenario.

If the guards did have the capacity for effective deliberation, then both the simple theory and the complex theory would yield the same verdict about responsibility. Nevertheless, the complex theory should be preferred because it can account for our intuitions regarding the moral responsibility of adult humans more generally. Assuming, then, that conditions (a) and (b) of the complex theory are satisfied, the guards can be held morally responsible for the harm that they voluntarily caused to the other participants in the experiment. What is more, our ascriptions of blame are justified because they chose to act in a blameworthy way. They could have avoided acting viciously by acting with compassion, by voicing

their concerns or by leaving the experiment. In fact, there are countless ways in which they could have acted more virtuously, but they chose not to do so.

Thus, circumstantial moral luck can affect the moral quandaries that people face, but the correct application of the complex theory shows that no problem of moral luck arises in these types of cases. Provided that an individual has the capacity for effective deliberation and that they act voluntarily, they can justifiably be held morally accountable for their actions. Once more, counterfactual considerations have no bearing on a person's responsibility for the voluntary actions that they perform in their actual circumstances. To provide an example, the idea that the guards would have acted better had they not been chosen as guards is irrelevant. Our moral judgements about the guards are also unaffected by the idea that different sets of people would have acted equally viciously had they been participating in the same experiment. In other words, our moral judgements are 'independent of whether other people face similar moral tests or not' (Hsieh, 2013, p. 108).

Example Three: A Redundant Action

The third way that circumstantial moral luck can arise, in addition to affecting the opportunities and the moral quandaries that an individual could face, is by rendering an action redundant. To recap, circumstantial moral luck meant that Julia's plan to harm her love rival Samantha was rendered unnecessary. On the day that Julia planned to tamper with the brakes on Samantha's car, she discovered that Samantha had been killed in a road traffic collision.

Nagel would argue that there is a problem of moral luck in this case because the influence of luck means that Julia's moral record remains untarnished. However,

such talk of ‘moral records’ ought to be avoided. Instead, we should focus on how her plan to harm Samantha is indicative of a vicious character, which remains the same regardless of whether she implemented her plan or whether it was rendered redundant at the last moment by something lying beyond her control. Though, as it was previously mentioned in the scenario involving Michael, responsibility for character differs from responsibility for actions.

Owing to the nature of circumstantial moral luck, I focus primarily on the responsibility of Julia for her actions. To be precise, I will show that moral luck does not affect her responsibility or blameworthiness if we judge her solely for the voluntary actions that she actually performed as a moral agent. She can justifiably be criticised for plotting to harm Samantha because this is indicative of a bad moral character, but we cannot hold her responsible or blameworthy for an action that failed to transpire. The reason is that, irrespective of the luck in her circumstances, she should only be blamed for her voluntary actions.

To clarify further, she should only be blamed for her voluntary actions if she had the capacity for effective deliberation. Imagine, then, that Julia lacked this capacity for some reason or other. Perhaps she has a learning difficulty, which means that her mental age is the equivalent to that of an average ten-year-old. To proponents of the simple theory, this point would be of no importance. Julia would still be held responsible for her actions so long as she acted voluntarily. In contrast, her inability to deliberate effectively would be of significance to proponents of the complex theory. Specifically, they would argue that Julia is not an appropriate candidate for moral blame, even though we can criticise her in a non-moral way for

her actions. The complex theory should therefore be preferred because it yields a verdict that is more in line with our intuitions about responsibility.

Given this, let us take it for granted that Julia does have the capacity for effective deliberation. In this instance, she can be held responsible for her actions using either the simple theory or the complex theory, but the complex theory should be preferred because it captures our general intuitions regarding the moral responsibility of adult humans. As a result, Julia can be held morally responsible for the actions that she performed voluntarily in preparation for her plan to harm Samantha.

Until Samantha's accidental death, Julia chose to continue her plan at every possible stage. Researching the mechanics of the car's brakes and purchasing equipment to tamper with them were actions that she performed voluntarily. The control and epistemic conditions for voluntary action are met because she acted without being externally forced and neither did she act in ignorance. This means that she is morally responsible and blameworthy for those actions.

Had Samantha avoided being harmed in the accident, Julia would have then been faced with the choice to continue or discontinue her plan. We are unaware of which decision she would have made and so we cannot know for certain whether she would have gone ahead with her plan to tamper with the car's brakes. For that reason, she cannot be blamed for attempting to damage Samantha's car, but she can be blamed for her preparatory actions.²³⁰

In sum, all three examples illustrate the different ways that circumstantial moral luck could arise. When the complex theory of moral responsibility is applied it

²³⁰ See Hsieh for a similar analysis of this type of case (Hsieh, 2013, pp. 109-110).

can be seen that the legitimacy of our moral assessments is uninfluenced by luck. Our moral judgements attach to those who have the capacity for effective deliberation and who act voluntarily. An analysis of these cases also shows us that it is extremely unlikely for a person to find themselves in a moral situation where it is genuinely beyond their control to act. As Hsieh recognises, even if such cases arise, the circumstances that an individual finds themselves in will most likely be dependent on their previous choices, for which they can be held responsible (Hsieh, 2013, p. 111).

9.3 Responding to Cases of Resultant Moral Luck

As it stands, the complex theory could produce the wrong result in certain cases of resultant moral luck and so the epistemic condition needs to be altered. To briefly recap, in cases of resultant moral luck the luck comes about after the individual acts, whereas in cases of circumstantial moral luck the luck arises at the time of action. In alternative terms, resultant moral luck is concerned with the way in which things turn out and circumstantial moral luck is concerned with the situations that people find themselves in.

Reconsider the example of resultant moral luck involving the two intoxicated drivers. Both drivers chose to drive their cars whilst inebriated and the outcomes of their actions are the things that resulted from their intoxicated driving. In the first scenario, the outcome of the action was that the driver returned home safely. In the second scenario, the outcome was that the driver mowed down a child who had ran into the path of their car.

Condition (a) of the complex theory is satisfied so long as both drivers had the capacity to deliberate effectively. Furthermore, the control condition for voluntary action is met because neither of the drivers were externally forced to act the way they did. For instance, they could have chosen to drink something non-alcoholic or instead opted to travel home in a taxi. However, the epistemic condition causes more difficulties because, in many cases of resultant moral luck, an individual might be unaware of what it is that he or she is bringing about.

If this is true in the case involving the two drivers, it would mean that they are not morally responsible for driving whilst intoxicated because a criterion for voluntary action is not fulfilled. Clearly, this is a counterintuitive result. In accordance with our normal practices of praising and blaming we routinely judge others for their reckless or negligent actions. As a consequence, the epistemic condition should be amended to include the additional requirement that a person must foresee, or should reasonably be expected to foresee, the outcomes of their actions. As Hsieh similarly argues, someone must be ‘aware that his action will produce the outcome (if certain) or might do so (if risked)’ (Hsieh, 2013, p. 134).²³¹

Although it is notoriously difficult to determine the causal influence that an action has upon an outcome, it can be sufficiently explained to suit the purpose of this discussion. In brief, someone could act to obtain an outcome that they deliberately want. If so, they are responsible for performing that action. Alternatively, a person may act with the foresight that a particular outcome might arise, but do not act with the intention of realising that outcome. In this kind of

²³¹ According to Domskey there are two ways that an outcome of an action can be unforeseeable. He says, ‘they can depend on future chance events, or they can depend on already set but presently unknowable and unchangeable facts’ (Domskey, 2004, p. 448).

scenario, the action is voluntary because the agent has foreseen its potential consequences. Those who voluntarily render themselves incapable or ignorant about the possible outcomes of their actions would also satisfy the epistemic condition.

Example One: A Negligent Action

The first example of resultant moral luck discussed in 4.5 involved the case of two mothers who had left their babies unsupervised at home. The first mother returned home to find her baby safe, whereas the second mother returned home to find that her baby had been seriously injured in a house fire. Both mothers acted negligently and both had the mutual intention to leave their children at home by themselves.

Despite acting equally negligently, Nagel would assert that the mother of the child who was hurt in the fire is more blameworthy than the mother of the child who was unharmed.²³² A problem of resultant moral luck appears to arise because it seems unfair to blame one mother more severely for an outcome of an action that was affected by luck. Nevertheless, it can be shown that resultant moral luck does not affect our ascriptions of moral responsibility and blame in this case if we apply the amended version of the complex theory of moral responsibility.

Condition (b) of the complex theory is satisfied because the mothers acted voluntarily. The control condition is met because neither mothers were externally forced to visit the shop alone. They could have taken their children with them or the family could have stayed at home together. In addition, the amended epistemic condition is met because both mothers knowingly and intentionally left their children

²³² The idea that Nagel would blame the mother of the child who was injured more severely than the mother of the child who was unharmed is evidenced by his considerations relating to the blameworthiness of the two intoxicated drivers. For Nagel, the reckless driver who caused the harm is more blameworthy than the driver who returned home without incident (Nagel, 1979, p. 29).

unsupervised. They should have foreseen the potential harm that could have been caused by leaving a baby in a house unaccompanied.

In accordance with the simple theory, both mothers acted voluntarily and so they can be held responsible. Yet, this judgement would seem counterintuitive if the mothers lacked the capacity for effective deliberation.²³³ As a result, the moral responsibility of the mothers can only be adequately captured if condition (a) of the complex theory is satisfied. This condition is required because it distinguishes those who are morally responsible from those who are not. Thus, if it is discovered that the mothers did lack the capacity for effective deliberation then the complex theory would provide an explanation as to why we would not want to hold them morally accountable.

On the other hand, if we assume that the mothers did have this capacity then they can both be blamed equally for failing to avoid the risk of harm to their children. The fact that only one mother caused harm should not affect our assessment of the negligence that arose in both cases. When the two mothers visited the shop they could no longer exercise control over what was happening in their homes, but this state of affairs was introduced by them both voluntarily.

In light of this, the more general point that can be made is that two correspondingly negligent or reckless individuals deserve the same amount of blame. An individual should discover the potential consequences of their actions, provided that they have the capacity to do so. Someone with this capacity but who fails to consider these consequences will be accountable for their negligence. Hence,

²³³ As Curren writes, 'if one lacks the capacity to deliberate and put one's deliberations into effect, as one does in lacking the ability to take care, then one can only be responsible for what one does if one was responsible for one's coming to be in that incapacitated state' (Curren, 1989, p. 273).

negligence entails an individual to lack care and it is this lack of care for which they are held responsible.

Nagel would argue further that these types of cases are unfair because the mother whose child was harmed will be legally punished more severely than the mother whose child was unharmed.²³⁴ He is correct to notice the disparity between the legal penalties inflicted upon the two mothers, but this does not mean that we are unjustified in blaming both of the mothers equally. The reason is that legal punishments serve a particular purpose, such as to act as a deterrent, to rehabilitate the offender or to serve as retribution for the harm caused.

As Athanassoulis writes, ‘legal negligence involves a failure to comply with an objective standard of conduct, but does not include proof of intention or a specific state of mind. The law may rely on outcomes to determine the severity of the punishment for different offences, but it is not immediately clear why morality should do so as well’ (Athanassoulis, 2005, p. 59). In alternative terms, the law can penalise people differently depending on the severity of the outcomes of their actions, whereas moral judgements of blame are not ascribed on the same basis. Whether or not the mothers’ children were harmed is irrelevant to their blameworthiness for negligently leaving them at home unsupervised.²³⁵

Example Two: An Uncertain Decision

²³⁴ Steven Sverdlik recognises that unlucky negligent people tend to be legally punished more severely than others (Sverdlik, 1993, p. 181).

²³⁵ Domskey (2004) proposes a solution to the problem of moral luck that arises in cases of negligence using an account of psychology. However, his approach is criticised by Statman, who thinks that Domskey should not limit his discussion to cases of negligence because cases of resultant moral luck are not that much more common than cases of circumstantial moral luck. He also criticises Domskey for providing a psychological response to a philosophical problem (Statman, 2005, pp. 424-425).

Cases of negligence differ from cases of decisions made under uncertainty. Those who act negligently fail to take proper care in light of the potential risks. In contrast, when a person makes an uncertain decision they are aware of the risks that their action poses, but they are unable to minimise those risks even if they wished to do so. Given this clarification, the second example of resultant moral luck involved the fictional story of Gauguin who abandoned his wife and children to move to Tahiti and pursue a career in art. Gauguin made his decision to move under uncertain conditions because he did not know if he would be successful as an artist.

Williams asserts that his move would only be justifiable and praiseworthy if he is a success. On the other hand, he suggests that if Gauguin fails ‘then he did the wrong thing, not just in the sense in which that platitudinously follows, but in the sense that having done the wrong thing in those circumstances he has no basis for the thought that he was justified in acting as he did’ (Williams, 1993a, p. 38).²³⁶ Gauguin chose a course of action without being able to predict its outcome. Despite this uncertainty, Williams believes that he will be blamed by others for making a wrong decision.

In opposition to Williams, I argue that Gauguin can legitimately be assessed for his decision to move regardless of his success or failure as an artist so long as conditions (a) and (b) of the complex theory are satisfied. In this case, condition (b) is satisfied because he acted voluntarily. The control condition is met because he was not externally forced to move to Tahiti and the amended epistemic condition is met because he chose to move based on the knowledge that was available to him at the

²³⁶ As mentioned in 4.5, Nagel does not believe that the Gauguin case is a genuine example of moral luck. For him, the notion of agent-regret is something separate to moral judgements because the latter are universal and unchanging. In light of Nagel’s criticism, this case can be reframed by focusing on the moral judgements made by others.

time. It is reasonable to assume that he would have foreseen the possible consequences of his decision to move, which may have included things such as failing in his endeavours due to a change of plan or lack of resources.

Again, the simple theory can be criticised for being over inclusive because it would hold Gauguin responsible his voluntary actions, irrespective of his capacity for decision. Accordingly, the complex theory should be preferred. If it were discovered that Gauguin lacked this capacity, then the complex theory would offer an explanation as to why he would not be an appropriate candidate for moral blame.

Let us assume, however, that condition (a) of the complex theory is satisfied and that Gauguin did have the capacity for effective deliberation. Although he could not minimise the risks of his decision to move, he was aware, or at least he should have been aware, of the potential consequences of his decision. He can therefore be held morally responsible for moving to Tahiti. By acting as a rational agent he had the capacity to recognise some of the reasons why he may or may not be successful as an artist. In other words, he could have estimated how talented he was as an artist before deciding whether to pursue a career in art:

A Gauguin who threw up everything to develop his artistic talent in the South Seas, and then turned out to have only an extremely mediocre talent to develop, would be, for Aristotle, not somebody suffering from moral ill-luck but someone lacking the self-knowledge that is an essential part of wisdom (Kenny, 1988, p. 110).

Having established moral responsibility, Gauguin's praiseworthiness or blameworthiness will depend on an analysis of his reasons for moving, as opposed to retrospective judgements based on the outcome of his decision.²³⁷ For example, he can be blamed if his decision to move was based on a desire to shirk his responsibilities concerning the upbringing of his children. On the other hand, he can be praised if his decision to move was motivated by a wish to improve his family's lifestyle. As a result, his success or failure as an artist has no bearing on our judgements of moral responsibility, praise, and blame. Instead, these judgements depend exclusively on his capacity to act voluntarily as a rational agent.²³⁸

Example Three: A Failed Attempt

In the third example, resultant moral luck meant that an attempted action failed. The scenario featured a woman who purchased a gun with the intention of shooting and killing her husband, but the gun was faulty and failed to fire. As a consequence, her attempt to murder her husband was unsuccessful. For Nagel, a problem of resultant moral luck arises because he believes that we blame her for the attempted murder of her husband, which is a lesser offence than murder (Nagel, 1979, p. 29). Specifically, he would argue that this judgement of blame seems unfair because her attempt only failed due to luck and was not the result of her own agency.

²³⁷ As discussed in 4.3, our moral judgements are important because they serve a range of functions, such as identifying how trustworthy or emulable a person is. An individual's reasons for acting will therefore be of significance to considerations pertaining to praise and blame.

²³⁸ Williams agrees that a response based on Aristotle's moral theory can overcome the seeming problem of moral luck in Gauguin's case and in his similar case involving Anna Karenina. He says, 'I can entirely agree with Judith Andre that an Aristotelian emphasis in ethics, for instance, would not run into the same difficulties' (Williams, 1993b, p. 252).

In contrast to Nagel, I argue that no problem of moral luck arises because, so long as she acted voluntarily and had the capacity for effective deliberation, our ascriptions of blame are justified. Given the details of this case, it is clear that the woman acted voluntarily and so condition (b) of the complex theory is satisfied. To be precise, her attempt to kill was voluntary because she acted without being externally forced. She could have easily put the gun down, but did not do so. Furthermore, she acted with the knowledge and foresight that shooting a person will most likely cause them serious or life-threatening injuries.

Therefore, the control and epistemic conditions for voluntary action are met and so it needs to be determined whether she also had the capacity for effective deliberation. Once more, proponents of the simple theory would be unconcerned by whether or not she had this capacity, but this seems contrary to common sense. For instance, it would be counterintuitive to hold her responsible if it transpired that she lacked this capacity owing to a severe head trauma. As an alternative, the complex theory captures our intuition that she should not be held morally accountable if she failed to act as a rational agent.

Assuming, however, that condition (a) of the complex theory is satisfied, she is an appropriate candidate for moral blame. This means that the justifiability of our moral judgements is unaffected by resultant moral luck. In particular, she is blameworthy for attempting to kill her husband because her actions manifested her intention to murder. She fired the gun fully expecting her action to have a fatal outcome.

Given this, her degree of blameworthiness will remain the same irrespective of whether her husband was unharmed, injured or killed by the bullet. This is

because the success or failure of her attempt to kill him does nothing to increase or diminish her blameworthiness for the attempt. The fact that he survived is purely the result of luck. She did nothing as an agent to prevent her husband's likely death and so she is no less morally blameworthy than she would have been had he died.

Again, Nagel rightly acknowledges that failed attempts are punished less severely than successful attempts (Nagel, 1979, p. 29). In this scenario, the woman will avoid being prosecuted for murder owing to the luck of owning a faulty gun. Though, the justifiability of legal punishments in these types of cases is unrelated to the justifiability of our judgements about moral responsibility.

Example Four: An Unwanted Consequence

In the final example, a supermarket employee helped to transport a television to a customer's car. She later realised that the television had been stolen and that she had unwittingly acted as an accomplice to the theft. There appears to be a problem of moral luck in this case because we morally assess the employee for her role in the crime, regardless of the influence of bad resultant moral luck. She was unlucky to have been approached by the criminals and that nobody else helped to prevent the crime. She was also unlucky that the television had been stolen because it meant that the outcome of her action of assisting the customer was of negative moral value.

Once more, her moral responsibility for assisting the customer will depend on whether conditions (a) and (b) of the complex theory are satisfied. Given the details of this case, it is clear that she acted voluntarily and so condition (b) is satisfied. To be specific, the control condition is met because she was not externally forced to transfer the television to the car without first seeing a receipt. She should have acted

more carefully by asking the customer for proof of purchase. In addition, the amended epistemic condition is met because her ignorance about the theft was voluntary. She should have realised that the customer could have been deceiving her and so her ignorance is culpable. Failing to check that the customer was genuine is an error that she made of her own accord.²³⁹

According to the simple theory, she is responsible for acting voluntarily even if she lacked the capacity for effective deliberation. This seems counterintuitive and so the complex theory should be preferred because it provides an explanation as to why she would not be morally accountable in this instance. In spite of this, it is more likely that she had this capacity and simply made an error in judgement. If this was indeed the case, then condition (a) of the complex theory is satisfied. As a result, she could justifiably be held morally responsible for her voluntary actions, regardless of the fact that she did not have a rational desire to do something bad.

It can therefore be seen that resultant moral luck does not affect our assessment of moral responsibility or blame in this example. She can be held morally responsible for placing the television in another person's car so long as she acted voluntarily and had the capacity for effective deliberation. Her degree of blameworthiness for this oversight remains the same irrespective of whether the customer turned out to be genuine or fraudulent, but it will be mitigated to a certain extent because her actions were not representative of a vicious character. It could be the case that she is disciplined by her company for the error. If so, this might seem unfair as her mistake would have likely gone unnoticed had the customer been

²³⁹ See 8.1.2 for a discussion of culpable ignorance.

genuine. However, the legitimacy of an employer's formal sanctions has no bearing on the justifiability of our judgements about moral responsibility.

All of the examples above, then, have been re-described to show that ascriptions of moral praise and blame attach solely to the voluntary actions of those with the capacity for effective deliberation. Specifically, the complex theory offers justification for judgements about responsibility in cases of moral luck. As the discussion in the ensuing chapter will also make evident, the complex theory can be used to address the specific challenges posed by moral fortune too.

10

Solving the Problem of Moral Fortune

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In this chapter I argue that examples ordinarily classified as constitutive moral luck should instead be identified as cases of moral fortune, which is similar to moral luck without the modal condition. A morally fortunate event was defined in 3.1.1 as an event that is morally significant to the agent and that lies outside of their control. If the value of the event is positive, it is a matter of good moral fortune and one can be said to be morally fortunate. If the value of the event is negative, it is a matter of bad moral fortune and one can be said to be morally unfortunate.

Constitutive moral fortune is typically associated with the moral luck debate. It is therefore important to show that my solution to the problem of moral luck also has the conceptual resources to address the problem of moral fortune. First, I will determine the appropriate candidates for praise and blame based on the distinction that Aristotle makes between natural virtue and vice and true virtue and vice. Second, I will argue that the complex theory should be preferred to the simple theory because it can better account for the moral responsibility of those affected by constitutive moral fortune.

10.1 Constitutive Moral Fortune

To recap, the Hybrid Account of Moral Luck that I advocated in 3.3.3 is formulated as follows:

S is morally lucky that E iff:

- (a) E, or the result of E, is of either negative or positive moral value.
- (b) The event occurs in the actual world but does not occur in a wide class of the nearest possible worlds where the relevant initial conditions for that event are the same as in the actual world.
- (c) S lacks control over E's occurrence.

A person's identity is shaped by various factors lying beyond their control. These factors combine nature, such as the genes they inherit, and nurture, such as the environment they are raised in. When these influences affect someone's moral character they may be credited to constitutive moral luck. This is defined by Nagel as the type of luck that influences an individual's constitution, which includes their 'inclinations, capacities, and temperament' (Nagel, 1979, p. 28).

To provide an example, Nagel would suggest that a person who is naturally inclined to commit morally corrupt acts is a victim of bad constitutive moral luck, whereas a person who is naturally inclined to perform virtuous acts is the beneficiary of good constitutive moral luck. However, as the discussion in 2.4 suggested, cases typically recognised as constitutive luck have been misidentified because the modal condition cannot account for the necessary truths found in these types of examples. Given that the modal condition is also a requirement for moral luck, cases ordinarily classified as constitutive moral luck have similarly been misidentified. As an alternative, these kinds of cases should be understood in terms of moral fortune.

An individual's constitution can be affected by things such as their innate temperament or their experiences as a child. Though, as the following examples make evident, the modal condition for moral luck is not satisfied in cases such as

these. Accordingly, these types of cases should be attributed to constitutive moral fortune, as opposed to constitutive moral luck.²⁴⁰

Example One: Innate Temperament

The first example features ‘Sachin’ who is easily irritable and prone to bouts of anger. When Sachin feels anxious or unhappy he reacts violently to those around him. His poor temperament has remained the same since he was a child and it has subsequently led to his involvement in ferocious fights and to convictions for assault. Nagel would argue that Sachin is a victim of bad constitutive moral luck because his innate temperament is something that he lacks control over. All the same, it shapes how he reacts to certain things.

This example fulfils the significance condition and the lack of control condition for moral luck, but it fails to meet the modal condition. The significance condition for moral luck is met because Sachin’s violent behaviour is of negative moral value and the lack of control condition is met because his innate temperament is something that he does not exercise full control over. On the other hand, the modal condition is not met because it is a necessary truth that, in order to remain ‘Sachin’ in all nearby possible worlds, he must have inherited the same genes.

Sachin’s innate temperament will remain the same because in all nearby possible worlds he would have originated from the same egg and sperm pair, which is necessary to his identity. As a result, we are unable to say that Sachin is a victim of bad moral luck because a criterion for moral luck is not fulfilled. As Driver affirms,

²⁴⁰ A perceived objection to my argument might be that the Hybrid Account of Moral Luck is flawed because the modal condition cannot allow for the existence of constitutive moral luck. In response, the modal condition is required to overcome the problems afflicting LCAL. Furthermore, it complements our intuitions relating to the nature of luck itself.

‘a person’s character may at least in part be due to his parents, and yet there is no possible world in which he has different parents. On this view of luck, much of what people term moral luck is actually moral fortune’ (Driver, 2013, p. 169).²⁴¹

Example Two: Childhood Experience

It is often argued that moral luck is also present in cases where an individual’s background, influenced by factors lying beyond their control, shapes their moral character. Though, the modal condition for moral luck is not satisfied in these types of cases either. The second example features the scenario of a drug addict who raises his daughter ‘Ann’ to live a life of crime. Ann is mistreated by her father, who encourages her to commit crimes and fails to show her any kind of praise or support. As an adult, she continues to remain unemployed and steals to fund her drug habit. Nagel would argue that Ann is a victim of bad constitutive moral luck because her character is negatively affected by her father’s poor parenting. Had she been raised in a supportive and nurturing environment, she may have gone on to lead a virtuous life.

Although there is something to be said for this line of reasoning, I believe that examples such as this are not attributable to constitutive moral luck. The reason is that, in similarity to the scenario involving Sachin, this example fulfils the significance condition and the lack of control condition for moral luck, but fails to meet the modal condition. The significance condition is met because Ann’s drug addiction and criminal tendencies are of negative moral value. The lack of control

²⁴¹ Statman similarly believes that there is something odd about the idea that someone might say “I am unlucky to have my parents” because the instinctive response would be to claim that they would not be the same person had they been born to different parents (Statman, 1993, p. 12).

condition for moral luck is met too because her father's identity, lifestyle, and the way in which he chose to raise her lies beyond her control.²⁴² She has no say about her father's behaviour or the values that he decided to instil in her as a young child.

Yet, this example fails to meet the modal condition for moral luck as Ann's life of crime occurs in the actual world and would also occur in a wide class of nearby possible worlds. This is because her upbringing has played a pivotal role in shaping her current identity. Had her father raised her differently it would be reasonable to assume that her character would be so radically altered that we could no longer sensibly claim she is still the 'Ann' that we recognise. Thus, the modal condition is not met because certain features of her origin are essential to who she is.

It can therefore be seen that I am committed to the doctrine of origin essentialism, which is the idea that there are 'necessary connections between material things and their material origins' (deRosset, 2009, p. 154). Kripke is a key proponent of origin essentialism. In particular, he advocates the argument that, 'given that a material object had its origin in a particular hunk of matter, it could not have had its origin in any other hunk of matter... the queen, for instance, had to originate from the gametes from which she actually developed' (deRosset, 2009, p. 161). To put the same thing slightly differently, a certain individual could not have originated from a different zygote other than the zygote from which they actually originated (Forbes, 1985, pp. 132-160).

Those who do not accept this doctrine are ideologically committed to the claim that 'there are no necessary connections between distinct existences'

²⁴² Rescher believes that there is category mistake in the idea of constitutive moral luck 'because the whole control issue is irrelevant here from the angle of moral concern... these factors are not things that lie outside oneself but, on the contrary, are a crucial part of what constitutes one's self as such' (Rescher, 1993, p. 157).

(deRosset, 2009, p. 153). This is known as the ‘Humean claim’ and there are many counterexamples that show why it should be rejected. By way of illustration, being scarlet is necessarily connected to being red, even though these are distinct things. Accordingly, I agree with Louis deRosset that the ‘Kripkean picture should be adopted’ (deRosset, 2009, p. 180).

10.2 The Problem of Constitutive Moral Fortune

Constitutive moral fortune shows that we are not all born equal. Certain individuals have advantages or disadvantages in their moral life in comparison to others. It is to be expected that a virtuous agent would have been influenced by positive role models as a child. In addition, they would have been provided with opportunities to face a variety of moral problems. Factors such as these, however, can be influenced by luck and fortune.

For the purpose of the present discussion, a key point is that constitutive moral fortune can ‘affect the ‘raw material’ one is born with’ (Athanasoulis, 2005, p. 34). The result is that someone’s character is not entirely their own creation. As a consequence, it needs to be established whether a person can be responsible for their character and for the actions that result from this. I call this the problem of constitutive moral fortune, which can be defined as **a problem of whether, given that constitutive moral fortune exists, we are justified in ascribing moral**

responsibility and praising or blaming morally fortunate and unfortunate agents.²⁴³

There appears to be two separate but related problems of constitutive moral fortune. First, we judge others for their characters, despite these being shaped for the better or worse by good or bad fortune. Second, given that some people's actions are guided by their character traits, constitutive fortune can also influence the moral actions that we judge them for. To illustrate, I will describe the various things that Nagel would find puzzling about the cases involving Sachin and Ann.

Example One: Innate Temperament

As previously mentioned, Sachin is a man who is easily prone to bouts of anger. His innate temperament is something that he lacks control over, yet it shapes his reactions to certain events and has subsequently led to convictions for assault. In this example, constitutive moral fortune affects Sachin's temperament as well as his moral actions. For this reason, there appears to be a problem concerning whether he is blameworthy for his bad character. In addition, there seems to be a further problem

²⁴³ Kant's moral theory would exclude constitutive moral fortune from our theorising. For instance, in the *Groundwork of the Metaphysic of Morals* he makes reference to the 'niggardly endowment of step-motherly nature' (G, 4: 394). This is indicative of his criticisms about theories of virtue that allow individuals to be praised or blamed based on their constitutions or social position. In the *Religion within the Limits of Reason Alone* (Rlg), he similarly argues that 'man *himself* must make or have made himself into whatever, in a moral sense, whether good or evil, he is or is to become' (Rlg, p. 40, trans. Greene & Silber). The exclusion of constitutive moral fortune is further suggested in a passage of the *Critique of Practical Reason* (KpV), where he asserts that 'there are cases in which men, even with an education which was profitable to others, have shown from childhood such depravity, which continues to increase during their adult years, that they are held to be born villains and incapable of any improvement of character; yet they are judged by their acts, they are reproached as guilty of their crimes; and, indeed, they themselves find these reproaches as well grounded as if they, regardless of the hopeless quality ascribed to their minds, were just as responsible as any other men. This could not happen if we did not suppose that whatever arises from man's choice (as every intentional act undoubtedly does) has a free causality as appearances (its actions). These actions, by the uniformity of conduct, exhibit a natural connection. But the latter does not render the vicious quality of the will necessary, for this quality is rather the consequence of the freely assumed evil and unchangeable principles. This fact makes it only the more objectionable and culpable' (KpV, 5: 99-100, trans. Beck).

concerning whether he is blameworthy for his violent actions, which are influenced by his character.

Example Two: Childhood Experience

A different scenario featured a woman named Ann. Ann's father mistreated her when she was young and, as an adult, she goes on to develop an addiction to drugs and frequently steals to fund her habit. Of course, it is not Ann's fault that she suffered at the hands of an uncaring father. It may even be argued that, had she been raised in a supportive and nurturing environment, she would have gone on to live a virtuous life. Again, there appears to be two separate problems of constitutive moral fortune in this example. This is because Nagel would argue that we blame Ann for her character as well as for her actions, even though both of these things are influenced by her upbringing.

In order to show that there is not a problem of constitutive moral fortune in either of these cases, our moral judgements about Sachin and Ann need to be defended. I argue that there is constitutive moral fortune, but that there are two key ways in which we can draw on Aristotelian materials to justify our moral judgements. First, the proper objects of moral assessment can be discerned by drawing attention to the distinction that Aristotle makes between natural virtue and vice and true virtue and vice. Second, the complex theory of moral responsibility is able to justify our judgements of moral praise and blame in these cases.

10.3 Natural Virtue and Vice and True Virtue and Vice

According to Aristotle, virtue and vice can result from natural tendencies. These ‘include all the propensities towards certain emotions and actions which we have by virtue of our natural constitution’ (Athanasoulis, 2005, p. 38). However, this is not true virtue and vice because these cannot be engendered in someone by nature. As Athanasoulis remarks, ‘although the external manifestations of natural virtue and true virtue are the same, the characters they proceed from differ. The truly virtuous agent is the object of real moral worth, as he has consciously chosen virtue’ (Athanasoulis, 2005, p. 43).²⁴⁴

Unlike natural virtues, true virtues need to be cultivated. A person can become virtuous by routinely performing virtuous actions or become vicious by regularly acting viciously (*EN* 1103a24-1103b2).²⁴⁵ Furthermore, virtuous agents feel ‘the right feelings at the right times, about the right things, towards the right people, for the right end, and in the right way’ (*EN* 1106b21-22).²⁴⁶ This means that they will want to choose a virtuous action for its own sake, whereas a non-virtuous agent may have to battle internally to do the right thing and, as a result, they will be more inclined to fail.²⁴⁷ To better understand true virtue, it needs to be established how virtue is acquired:

²⁴⁴ Although Aristotle is not absolutely clear, ‘he seems to say that although natural virtue is not as valuable as true virtue, it is still a good state of character that results in good actions’ (Athanasoulis, 2005, p. 43).

²⁴⁵ On initial appearances this may appear to be a circular argument, but people can learn which acts are just by mimicking the behaviour of virtuous agents. Alternatively, they can habitually act without reflection. As a consequence, ‘these acts are just, but they do not proceed from a just character, yet they do go towards making the character just’ (Athanasoulis, 2005, p. 41).

²⁴⁶ This passage of the *EN* was originally discussed in 7.2.

²⁴⁷ To clarify, virtue ‘is a state that decides, consisting in a mean, the mean relative to us, which is defined by reference to reason, that is to say, to the reason by reference to which the prudent person would define it. It is a mean between two vices, one of excess and one of deficiency’ (*EN* 1106b35-1107a2).

For we should certainly begin from things known, but things are known in two ways; for some are known to us, some known without qualification. Presumably, then, we ought to begin from things known to *us*. That is why we need to have been brought up in fine habits if we are to be adequately students of fine and just things, and of political questions generally. For we begin from the [belief] that [something is true]; if this is apparent enough to us, we can begin without also [knowing] why [it is true]. Someone who is well brought up has the beginnings, or can easily acquire them. Someone who neither has them nor can acquire them should listen to Hesiod: ‘He who grasps everything himself is best of all; he is noble also who listens to one who has spoken well; but he who neither grasps it himself nor takes to heart what he hears from another is a useless man (*EN* 1095b2-13).²⁴⁸

The beginning or starting point can be referred to as “the *that*”. The difference between having “the *that*” and “the *because*” is the difference between ‘knowing or

²⁴⁸ This passage by Aristotle shows that it is important for children to benefit from a good education because knowledge is required for virtue. As he asserts, we should begin from things known to us (*EN* 1095b4-5). A virtuous agent could help a young person to develop their knowledge. However, that child must be lucky enough in the first instance to have a virtuous agent show an interest in them and appropriately guide them. In addition, they must require the ability to know that the virtuous agent is someone who should be listened to and respected. If the young person is lucky in the above ways, it means that the virtuous agent can be used by them as an ‘ethical yardstick’ (Broadie, 2006, p. 348).

believing that something is so and understanding why it is so... The man who knows for himself is someone with “the *because*” – in Aristotle’s terms he is a man of practical wisdom equipped with the understanding to work out for himself what to do in the varied circumstances of life’ (Burnyeat, 1980, p. 71). Though, in order to have the necessary starting points to grasp “the *that*” a person must be raised in good habits (Burnyeat, 1980, p 72). As Aristotle remarks, ‘arguments and teaching surely do not prevail on everyone, but the soul of the student needs to have been prepared by habits for enjoying and hating finely, like ground that is to nourish the seed’ (*EN* 1179b24-28).²⁴⁹

Habituation plays an important role in being good because someone must be habituated to performing certain types of actions. However, there is also a cognitive slant because ‘the agent must also be in the right state when he does them. First, he must know [that he is doing virtuous actions], second, he must decide on them, and decide on them for themselves; and, third, he must also do them from a firm and unchanging state’ (*EN* 1105a30-35). A good upbringing is therefore essential:²⁵⁰

The good life is available only to those who have escaped contrary early influences which could have stunted or maimed their capacity for virtue, who have had all the opportunities to develop in a favourable manner, who have the constitutive make-up necessary to apply themselves and excel at the study of virtue, as

²⁴⁹ In addition, see the *EN* (1098a33-b5).

²⁵⁰ To elucidate further, a good upbringing is important because it will ‘give the right preliminary shape to the feelings and actions bound up with a wide range of relationships with other people’ (Burnyeat, 1980, p. 82). See the *EN* (1148b29-33).

well as the opportunities to develop the right dispositions with respect to desires and encouraging influences for the development of their rational powers and so on; if all this is available and favourable then the student of virtue has a chance of sharing the viewpoint of the good... at that stage of sharing the viewpoint of the good, praise, blame, responsibility, control and choice are appropriate notions. And in as much as students of virtue are agents who only have their own point of view at present, but are developing the capacity for coming to see the point of view of the good in the future, they can also be appropriate objects of praise and blame (Athanasoulis, 2005, p. 79).

Given this clarification, virtuous agents are worthy of moral praise only if they have true virtue. This is because ‘moral praise is due to actions which are the result of conscious choice and not just chance and natural inclination’ (Athanasoulis, 2005, p. 35). Those who are naturally virtuous are not praiseworthy. Correspondingly, bestial agents are only worthy of moral blame if they have true vice, as opposed to natural vice. Hence, bestial agents are not the appropriate candidates for moral responsibility if nature is the cause (*EN* 1148b29-33).²⁵¹

²⁵¹ As Athanasoulis helps to clarify, ‘bestial states of character, unlike incontinent states, are outside the scope of responsibility. The state of bestiality is associated with animals, which have no choice in their actions and therefore cannot be held responsible for them. Bestial individuals act out of a state of natural necessitation. Natural vice, then, leads to a state of bestiality; a state so depraved and almost

With the exception of those who are bestial, people who are not fully virtuous can better themselves using reason. For example, a person with an unhealthy lifestyle could rationalise about why they choose not to eat wholesome foods. Perhaps they crave sugar out of boredom or because they have not sufficiently researched healthier alternatives. They can then act on this information in future to make better choices. This shows that a person's cultivated dispositions are the result of deliberate choice, even though their natural tendencies could be a matter of good or bad fortune. A person with true virtue or vice chooses it for its own sake. In other words, it is not endowed by nature (Athanasoulis, 2005, p. 38). The crucial distinction between natural virtue and true virtue therefore concerns the role of reason. As Athanasoulis writes, 'without deliberation and understanding of 'the because', virtue is just a habit' (Athanasoulis, 2005, p. 42).

Determining the appropriate candidates for moral praise and blame in this way can partially account for our moral judgements in cases of constitutive moral fortune. It can be difficult, however, to distinguish between those who act based on natural tendencies and those with cultivated dispositions who act based on choice. In alternative terms, it is hard to make a distinction between those with natural virtue and vice and those with true virtue and vice. Athanasoulis accepts that this is a key epistemological problem for Aristotle's moral theory (Ibid). Though, she does put forth a potential response, which is to argue that we can 'expect those with true virtue to be able to rationally account for their actions, as deliberation is crucial to virtue' (Athanasoulis, 2005, p. 43).

outside the scope of human experience that our normal notions of blame have no application' (Athanasoulis, 2005, p. 44).

10.4 Defining ‘Character’

Prior to discussing responsibility for character further, it is clear that the nature of character bears on the problem of constitutive moral fortune. As a result, it is worth considering how ‘character’ is understood by Aristotle and virtue ethicists more generally. Julia Annas, Nomy Arpaly, and John Doris examine the debate between virtue ethics and situationism. In brief, virtue ethicists argue that it is a mistake to construe character as a bunch of dispositions. Instead, they focus on the relationship between virtue and practical deliberation, which means that character is more than just behaviour:

A virtue is a disposition to *act on reasons*. It is exercised in making decisions and is built up not by mindless habit but by and in deliberating and making decisions. For most thinkers in the tradition it is built up the way a skill is. You begin by copying a role-model and you get better yourself at solving the relevant problems. There is a progression in two ways. You begin with a fragmented set of thoughts about the issue, and as you think more about it they become more consistent and systematic, and you get clearer about which are the important principles that matter. And you begin by depending on other people, following their lead, and progress to understanding the issues for

yourself. These two points go together and are mutually reinforcing. The more you develop a virtue, the *less* important to you is mere habit, and the more complex and flexible your ability to reason about new and innovative kinds of situation you may be faced with. Hence, the more virtuous you are, the more complex and dynamic your character. This is perfectly consistent with you having a firm and reliable character in the sense in which Aristotle, for example, understands that... virtue is developed through intelligent decisions and results in more intelligent deliberation and decision (Annas, 2005, pp. 637-638).²⁵²

On the other hand, Doris argues that Global Character Traits do not exist. He is committed to a view called situationism, which rejects the idea that character consists of broad character traits. In particular, he criticises definitions of character that are ‘of globalist lineage’ because he thinks that they encourage ‘inflated expectations of behavioural reliability’ (Doris, 2005, p. 667).

²⁵² Arpaly also helps to clarify Aristotle’s position. She writes, ‘Aristotle never says that fighting for your city is good because that’s what the brave person would do. He rather assumes that we all know that it is a good thing (or a “fine” thing) to fight for one’s city, but explains that you are only virtuous or praiseworthy in your act of defending your city if you act out of a particular motivation: a fear of disgrace that exceeds your fear of death. (Aristotle assumes that you have a normal amount of fear of death.) A lot of people may fight for their city, and some of them may be extremely reliable. One person may be a reliable fighter because, by some strange genetic defect, he does not ever feel fear, another one because he is extremely well trained in numbing his fear. But the only person to whom Aristotle grants virtue is the person who has normal fears, but whose concern for doing the right thing is so strong that it can even defeat his fear of death. He is more praiseworthy not because he is more reliable, or more predictable, but because his concern for doing the right thing is so deep that the thought of disgrace pains him more than the thought of death’ (Arpaly, 2005, pp. 645-646).

Arpaly accepts that generalisations about people often break apart when you get to know a person properly. To illustrate, you might think that your partner is trustworthy then later find out that they have frequently lied in previous relationships. Nonetheless, this insight does not commit her to situationism. Instead, she believes that there is such a thing as character, although it cannot be described ‘personal-ad style (honest, loyal, down-to-earth, etc.) but could be described in 30 pages by Balzac’ (Arpaly, 2005, p. 643). For Arpaly, then, there is more to character than the situationist view or the view that people are ‘fairly simple’ (Arpaly, 2005, p. 647).

A virtue ethicist understanding of character can therefore be defended against situationism ‘if it recognizes that a virtue is a disposition to act on reasons, and that these are reasons which apply in the agent’s life overall’ (Annas, 2005, p. 642). This is compatible with Aristotle’s position, which is that character is more than just a state of being because it also concerns dispositions to act (*EN* 1098b31-1099a3).²⁵³

10.5 A Solution to the Problem of Moral Fortune

The discussion in Chapters Eight and Nine shows that the complex theory can capture moral responsibility for actions. Though, in order to provide a solution to the problem of constitutive moral fortune it must also be able to capture moral responsibility for characters. To recap, the complex theory holds that ‘A is

²⁵³ For Aristotle, the idea that someone will ‘necessarily act’ is important because virtue involves action as opposed to an inactive disposition. Hence, ‘the idea of someone having a certain character but never, on principle, acting from it would be unintelligible’ (Athanasoulis, 2005, p. 27).

responsible for doing x if and only if (a) A is capable of deciding effectively about x, and (b) A does x voluntarily' (Irwin, 1980, p. 132). Condition (b) asserts that a person must act voluntarily to be responsible. What is more, a person can be responsible for a particular character trait so long as it is cultivated voluntarily:

It is not only vices of the soul that are voluntary; vices of the body are also voluntary for some people, and we actually censure them. For we never censure someone if nature causes his ugliness; but if his lack of training or attention causes it, we do censure him. The same is true for weakness or maiming; for everyone would pity someone, not reproach him, if he were blind by nature or because of a disease or a wound, but would censure him if his heavy drinking or some other form of intemperance made him blind. Hence bodily vices that are up to us are censored, while those not up to us are not censured (*EN* 1114a22-30).

A person's character traits can be said to be cultivated voluntarily if the control and epistemic conditions are satisfied. The control condition requires the trait to have its origin in the agent, which means that 'it must be up to the agent whether to... possess the trait - it cannot be compelled externally' (Eshleman, 2014). The epistemic condition requires the agent to 'be aware of what it is she is doing or bringing about' (Ibid). This means that they must 'understand - whether clearly or dimly - the

general effect of his actions on his moral psychology. He must know that his choices shape his patterns of thinking, feeling, and acting – and thereby make him into a certain kind of person’ (Hsieh, 2013, p. 164). If someone chooses to perform a certain action knowing that it will affect their character, the epistemic condition is satisfied.

In accordance with the simple theory, a person can be held responsible for the character traits that they cultivate voluntarily, whereas the complex theory also takes into account the importance of rational agency. Thus, proponents of the complex theory can morally assess an individual who is capable of effective deliberation for their voluntary character traits:²⁵⁴

A person is responsible for her actions and states in so far as they proceed from states that are in her control as a rational agent. By forming her desires, aims, patterns of deliberation, and decisions in a particular way she exercises her capacities as a rational agent, and becomes a candidate for praise and blame. The result of her formation of these states is her virtuous or vicious character. To develop a virtue is to express our essence as rational and responsible agents, and to that extent the

²⁵⁴ Hsieh similarly applies Aristotle’s complex theory to show that people are responsible for their characters (Hsieh, 2013 pp. 154-187). Specifically, she argues that ‘a person’s moral responsibility for his character depends on whether that character is his voluntary doing as an agent or not. A person cannot be justly praised or blamed for character traits determined by his biology, uncritically accepted as a child, or imposed on him by external forces. He can be morally judged for any character traits he purposefully or willingly cultivates in himself. In other words, a person ought not to be morally judged merely for the kind of person he is. Rather, he ought to be morally judged for the kind of person that he voluntarily makes himself’ (Hsieh, 2013, p. 160).

cultivation of virtues must be a part of a rational agent's good. To fail to apply rational choice and deliberation to the formation of states of character would be to fail to recognize ourselves as rational agents in this most important respect (Irwin, 1988, pp. 373-374).

To be more precise, we can praise those who deliberate and choose to form a better moral character and blame those who deliberate and choose to form a worse moral character. Putting the same thing slightly differently, those who become virtuous after repeatedly choosing to perform virtuous actions are praiseworthy and those who become vicious after repeatedly choosing to perform vicious actions are blameworthy, regardless of the influence of constitutive moral fortune:

An individual is responsible for being unjust, because he has cheated, and for being intemperate, because he has passed his time drinking and the like; for each type of activity produces the corresponding sort of person. This is clear from those who train for any contest or action, since they continually practice the appropriate activities... he is himself responsible for becoming this sort of person... if someone does what he knows will

make him unjust, he is willingly unjust (*EN* 1114a6-13).²⁵⁵

Although Aristotle does not specifically mention if people should be held responsible for their constitutions, he does acknowledge the role that decision plays in character formation and how it relates to responsibility (*EN* 1113b3-7). To be exact, he stresses the importance of decision when he says that it ‘seems to be the most proper to virtue, and to distinguish characters from one another better than actions do’ (*EN* 1111b5-10).²⁵⁶ Assessing a person using the complex theory would therefore provide us with more information about their character in comparison to assessing them using the simple theory.

Having provided this overview, two key points can be identified. First, the coherency of the complex theory can be defended because it is able to account for moral responsibility in cases of moral fortune. Second, the usefulness of the complex theory can be defended because it shows that moral fortune does not pose a major problem for morality.

In slightly more detail, the first point is that a person can be held morally responsible for the character traits that they voluntarily cultivate so long as they have the capacity for effective deliberation. As the discussion in 10.1 has shown, someone’s innate temperament or upbringing can shape their character for either the better or worse. Such influences lie beyond their control and are often matters of

²⁵⁵ For Aristotle, this means that ‘at least some people can justly be held responsible for being the sort of people they are. Indeed, he suggests no exceptions; but he must admit some, since the mad and bestial people he considers elsewhere are no more responsible for being what they are than for doing what they do’ (Irwin, 1980, p. 140).

²⁵⁶ To clarify, a decision resulting from virtue necessitates the correct mixture of reason and desire (*EN* 1139a22-26).

fortune. Nevertheless, a person can usually exercise at least some control over the formation of their character by choosing how to respond to these influences. To provide an example, a person who is inherently sexist could recognise that their opinions are damaging to others and seek to change them.

What is important, then, is the impact of fortune upon a person's ability to voluntarily shape their own moral character. In cases where the influence of moral fortune is severe, an individual's capacity to deliberate effectively could be entirely lacking. In particular cases, this could mean that they lack motivational strength and seek only to satisfy their compulsive desires.²⁵⁷ To illustrate, a person born with an addictive personality is more likely to be dependent on drugs or alcohol in comparison to someone born with a different set of characteristics. In a different type of case, bad fortune could affect a person's cognitive state in a way that renders them unable to deliberate effectively. It is reasonable to assume, for instance, that a child raised by followers of the Islamic State would be so radicalised as an adult that they could never make sense of Western culture.

Both examples draw attention to the most serious ways in which bad moral fortune could affect responsibility. However, in the majority of cases it will have less of a severe impact. This leads to the second point, which is that moral fortune does not pose a major problem for morality, despite the argument that Nagel would make to the contrary. The reason is that the complex theory can justify our moral judgements in cases of constitutive moral fortune by identifying the appropriate candidates for moral responsibility, praise, and blame. As it will be made evident, moral character tends not to be determined on the basis of upbringing or innate

²⁵⁷ The discussion in 8.2 offers an explanation as to why people should not be held responsible for acting on their compulsive desires.

personal qualities alone. As a consequence, people are usually able to shape their characters, regardless of any good or bad moral fortune.

Reflect once more on the cases involving Sachin and Ann. These examples draw attention to the apparent conflict between our moral judgements and the Control Principle, at least as it is understood by Nagel. To be more precise, Nagel would argue that Sachin and Ann can only be held responsible for their characters if they exercised control over these from birth. Clearly, this is an impossible standard of control.²⁵⁸ Yet, the idea that people have no control over the formation of their characters is implausible too. As Irwin writes, ‘Aristotle must claim that most adults have not been so strongly conditioned that no deliberative argument will move them; he must argue that adults are still capable of effective deliberation about the sort of people they should be’ (Irwin, 1980, p. 140).

For Aristotle, people become habituated to performing certain actions over a long period of time. To provide an example, a philanthropist is not only required to be generous, but they must also consistently perform a number of actions to promote the welfare of others. Making a small charitable donation on one particular occasion would not suffice. Instead, they need to repeatedly make these kind of gestures. What is more, they should deliberate effectively about certain things, such as where their help could be of the greatest use.

A person can therefore shape their character as they grow older by choosing to perform particular actions and by modifying their behaviour in certain ways. This means that even those with certain predispositions or deeply rooted personality traits can act against these by thinking rationally. For instance, someone with a phobia of

²⁵⁸ See 5.1 for a critique of Nagel’s condition of control.

flying could take a course of exposure therapy to help overcome their fear.²⁵⁹

Aristotle believes that we can become virtuous or vicious in a similar way because, although an individual could have certain innate dispositions, these ‘are not mindless imperatives... a person can always act contrary to even his most entrenched character traits’ (Hsieh, 2013, p. 160).

10.5.1 The Complex Theory and Moral Fortune

As the discussion in 10.5 shows, the complex theory allows us to make meaningful moral judgements about an adult human’s character traits as well as their actions. It also hints that the complex theory should be preferred to the simple theory owing to its focus on rational agency, which is important for ascriptions of moral praise and blame. Building on this discussion, we should favour the complex theory for two main reasons. First, the simple theory can be criticised for being over inclusive. Second, the complex theory complements our general intuitions about responsibility for character in the majority of cases.

To elaborate, the first reason the complex theory should be preferred is that the simple theory is over inclusive.²⁶⁰ Imagine that a Schizophrenic commits mass murder based on their belief that society would benefit from the death of anyone above the age of thirty. Assuming that they are not externally forced to kill and they

²⁵⁹ Virtue ethics may be criticised for being unable to handle cases where a person acts out of character. A potential response could stress that ‘we only have limited information about their character... What we call acting out of character are cases where agents lapse from continence into incontinence under unusually difficult or tempting circumstances (and vice versa from incontinence to continence due to extremely favourable circumstances). So what is called acting out of character is actually a manifestation of the struggle for the formation of one’s character’ (Athanasoulis, 2005, p. 32).

²⁶⁰ The simple theory was similarly criticised in 9.1.1 for being over inclusive.

are aware of what it is that they are bringing about, it could be argued that they act voluntarily.

Proponents of the simple theory might therefore be committed to the view that the Schizophrenic is responsible for the murders. However, this seems contrary to common sense given that the severity of their illness means they lack the capacity for effective deliberation. No matter how convincing someone's argument is to the contrary, it is fair to assume that they will not change their opinion about who should live and die. Consequently, this case shows that the simple theory is unable to provide justification for judgements of responsibility in cases where someone acts voluntarily but lacks the capacity to deliberate effectively.

The second argument in favour of the complex theory is that it will typically reach a verdict about moral responsibility for character that is in line with our intuitions. This is because it shows us that 'responsibility for character does not require some uncaused event or undetermined choice in the past; it requires capacity for effective deliberation at relevant times in the past and the future' (Irwin, 1980, p. 142).

In particular, the complex theory captures our intuition that children cannot be held responsible for their characters, despite acting voluntarily from a young age.²⁶¹ As Irwin remarks, Aristotle 'seems to be thinking of adults rather than children when he argues that we are responsible for our characters... only an adult

²⁶¹ As Curren says, choice 'requires character which children lack at least by-and-large, since it is formed over time through "activities exercised on particular objects"' (Curren, 1989, p. 264). His observation is based on Aristotle's claim that 'a person comes to be just from doing just actions and temperate from doing temperate actions' (*EN* 1105b10-12). Although a child's upbringing could influence their virtuousness or viciousness, this should not affect their moral responsibility for actions at such a young age. Hence, they are 'no more responsible for having a correct general outlook on right and wrong at this stage of their moral development than the person raised in a den of thieves is responsible for having a mistaken one' (Sauvé Meyer, 2006, p. 155).

could be expected to know that his actions will form his states of character; and only an adult can reasonably be assumed to wish to be intemperate when he does intemperate actions' (Irwin, 1980, p. 140).

The complex theory also captures our intuition that those who lack the capacity for effective deliberation lie beyond the scope of moral responsibility. To clarify, there are a number of reasons why this capacity could be missing in certain people.²⁶² To cite a specific instance, it is highly unlikely that a child raised by a pack of wolves could ever have this capacity. This is because they would have missed out on any kind of moral education and neither would they have been provided with the opportunity to become habituated to performing virtuous actions.

Moreover, it is conceivable that a person could be born with the capacity for effective deliberation but go on to lose it at a later stage. This loss could be the result of factors lying beyond their control. For instance, someone may suffer a severe head injury, disease or psychological illness. Alternatively, they may forcibly be drugged, hypnotised or brainwashed. Although it would be less likely, a person could lose their capacity owing to their own actions or previous decisions. This might be the case for those who voluntarily succumb to drug or alcohol addiction.

Bearing this in mind, consider the following hypothetical case involving Hitler. When Hitler was young he was Lance Corporal in the Bavarian Army. He then became Chancellor of Germany in 1933 and it is at this point that something happened to make him lose the capacity for effective deliberation. Having lost this

²⁶² The majority of people will gain the capacity for effective deliberation as they reach adulthood. However, it is feasible that someone could develop this capacity at a much later stage in life. For example, an individual who lacked this capacity because of illness might be cured when they are older and eventually become able to deliberate effectively.

capacity, he went on to develop a plan known as the ‘final solution’, which involved the genocide of Jewish people.

Given this state of affairs, proponents of the complex theory must be committed to the view that Hitler is not morally responsible for his actions after he became Chancellor in 1933. The reason is that he lacked the capacity for effective deliberation and became what Aristotle would call ‘bestial’. Still, this does not necessarily mean that he is not causally responsible for his actions or that he should escape legal punishment.²⁶³

Arguably, the complex theory yields a counterintuitive verdict about moral responsibility in this case because it might be felt as though Hitler should be held morally accountable for his heinous actions. Though, if we set our emotional reactions to this case aside it can be seen that Hitler was incapable of acting like a ‘normal’ human being. Instead, his actions were akin to those of a monster and so, despite our initial intuitions, we can begin to understand why judgements of moral responsibility and blame would not be appropriate. Nonetheless, those who listened to Hitler and followed his orders can still be held morally responsible so long as they acted voluntarily and had the capacity for effective deliberation. This would remain the case even if they are not responsible for their characters or personality traits:

Someone may have been so strongly conditioned to be
a Nazi that we must regard his Nazi outlook as
compulsive, beyond his power to change even if he
thought it better to change it; for these values of his...

²⁶³ See 5.2 for a discussion concerning the justification for legal punishment.

we can still hold him responsible for breaking the speed limit, or stealing from fellow Nazis. We can also hold him responsible for inefficient Nazi activity, since Nazi values themselves make him susceptible to deliberative argument against this. We cannot, however, hold him responsible for his Nazi values: they are not open to deliberation (Irwin, 1980, pp. 139-140).

Moral responsibility for character differs from moral responsibility for actions in a significant way because it must take into account the unique way that character is formed. With the exception of those with natural virtue or vice, a person's character is usually shaped through a process of habituation, which means that it is malleable and can change over time. Given this, it could be possible for someone to be morally responsible for their character even if they lack the capacity for effective deliberation at the present moment. Accordingly, Hitler could be responsible for causing irreversible damage to his moral character if he voluntarily cultivated his bad character traits while he had this capacity.

10.6 Responding to Cases of Constitutive Moral Fortune

Having provided an overview of the reasons why the complex theory should be preferred to the simple theory, I reflect once more on the cases described in 10.1 and 10.2 involving Sachin and Ann. In short, the existence of constitutive moral fortune

does nothing to affect the justifiability of our ascriptions of moral responsibility, praise, and blame if conditions (a) and (b) of the complex theory are satisfied.

Example One: Innate Temperament

There appears to be two separate problems of moral fortune in the case involving Sachin because, not only do we appear to blame him for his character, we seem to blame him and hold him legally liable for his individual acts of aggression too. Nagel would argue that Sachin cannot be held responsible for either of these things owing to the conflict that seems to arise between our moral judgements and the Control Principle.

Though, as it was discussed in 5.1, Nagel's condition of control is too demanding. Sachin cannot be expected to control each and every factor influencing the development of his character. Instead, he needs to exercise control over his character traits in the relevant sense of the term 'control'. If Sachin cannot control his anger in this way, then he is not an appropriate candidate for moral responsibility or blame.

Given this clarification, proponents of the simple theory would be unconcerned about whether or not Sachin has the capacity for effective deliberation. So long as his actions and character traits are voluntary, they would hold him responsible. However, if Sachin does in fact lack this capacity then this would seem counterintuitive. As a result, the simple theory can be criticised for being over inclusive. The complex theory should therefore be preferred because it captures our intuitions regarding the responsibility of those who act voluntarily but lack the capacity for effective deliberation. In addition, it provides a viable solution to the

problem of constitutive moral fortune because it shows that our ascriptions of moral responsibility and blame are justified.

As the discussion in 10.5 helps to show, a person cultivates their character voluntarily in the majority of cases. The reason is that they tend to have at least some power to shape their character by acting as a rational agent, regardless of any good or bad constitutive factors.²⁶⁴ Assuming, then, that Sachin has the capacity for effective deliberation and that his character is cultivated voluntarily, bad fortune would not undermine his responsibility and blameworthiness for his moral character.

Furthermore, Sachin could be held morally responsible and blameworthy for the voluntary acts of physical violence that result from his bad character. The control condition and epistemic condition are satisfied because he is not externally forced to harm others and he acts knowingly and intentionally. He could walk away from any volatile situations in which he finds himself, but to his own detriment he chooses to remain.²⁶⁵ At this point, Nagel might argue that it would be unfair to hold Sachin legally liable for assaulting others. Yet, as it was discussed in 5.2, justificatory issues concerning legal punishments are unrelated to those concerning moral judgements.²⁶⁶

Example Two: Childhood Experience

²⁶⁴ A person's moral character is not wholly dependent on their personality. Instead, someone's virtues and vices are almost always the result of thought. In other words, they can be cultivated 'on the foundation of any natural qualities' (Hsieh, 2013, p. 177). Although Sachin has a natural tendency towards feeling angry, he could choose to channel his anger positively. For instance, he could protest for causes that he feels strongly about or decrease his stress through strenuous exercise.

²⁶⁵ Although it may be true that Sachin acts on the spur of the moment, 'unpremeditated action can still be fully voluntary; and the agent is fully responsible for it if he is capable of effective deliberation about it' (Irwin, 1980, p. 133).

²⁶⁶ The point about the relationship between moral and legal judgements is also applicable to the case involving Ann.

In similarity to the case above, it initially appears as though there are two separate problems of moral fortune in the scenario involving Ann. This is because we appear to blame Ann for both her character traits and for her actions. Nagel would argue that this leads to a conflict between our moral judgements and the Control Principle. In order to show that a problem of constitutive moral fortune does not arise in this case, it once again needs to be mentioned that Nagel's condition of control is too demanding. Ann cannot be expected to control every factor influencing her character, but she is required to exercise the relevant control over its formation.

According to the simple theory, Ann can be held responsible for her voluntary actions and character. This does, however, mean that judgements of responsibility would be unaffected by whether or not she has the capacity for effective deliberation and so the simple theory can once again be criticised for being over inclusive. As a consequence, the complex theory should be preferred because it captures our intuitions about responsibility whilst offering a suitable defence of our moral judgements, irrespective of good or bad fortune.

Needless to say, Ann cannot be held morally responsible as a child because she would have lacked the capacity for effective deliberation at such a young age, but she is responsible as an adult provided that she has this capacity and that her actions and character traits are voluntary. As Hsieh clarifies, a person's good or bad upbringing does not generally preclude them from moral responsibility once they are older because people tend not to be programmed by their parents or guardians (Hsieh, 2013, p. 179). A potential reason for this is that a child's moral education is not solely influenced by their parents. Teachers, peers, and other role models all play a role in helping to shape their character. Hence, it is possible that Ann could have

learnt what is right and wrong from others, despite lacking a good moral education from her father.²⁶⁷

What is more, children often use their emerging rational abilities to think autonomously. For instance, it is reasonable to assume that a child brought up as a Catholic may grow up to be an atheist or a child raised by omnivores might choose to adopt a vegan lifestyle. Further evidence can be found by examining the different personalities of siblings. In many cases, sisters and brothers with identical upbringings go on to form wildly different characters.

Therefore, provided that the abuse Ann received as a child was not severe enough to render her incapable of effective deliberation, she acts as a rational agent.²⁶⁸ Although we can sympathise with her for her bad fortune, her decision to continue her bad habits means that her character is cultivated voluntarily and that she is blameworthy.²⁶⁹ She has the power to reject her father's advice and seek a better standard of living, but she does not do so.

Ann can also be held morally responsible and blameworthy for her voluntary actions. These include the actions that result from her bad character, such as taking drugs and stealing money. The control condition is met because she is not externally forced to perform such acts and the epistemic condition is met because she is aware

²⁶⁷ Clearly, the case involving Ann differs significantly from the case involving a child raised by a pack of wolves. Ann had the opportunity to learn about virtue from people other than her dad. In contrast, a child raised by wolves lacks any kind of moral education and neither would they have the opportunity to act virtuously. They have never known care, love or any other human traits and so it is extremely unlikely that they could ever deliberate effectively in future.

²⁶⁸ Aristotle takes it for granted that 'it is possible for someone to be so badly brought up that he is incapable of becoming good even if he wants to be. This might be true even though each of the actions that cause the permanent damage is itself voluntary' (Irwin, 1980, p. 154, n. 43).

²⁶⁹ Had her upbringing been different, Ann may have gone on to live a virtuous life. However, such counterfactual comparisons have no bearing on her responsibility in the actual world.

of what she is doing.²⁷⁰ In light of her father's lifestyle, it might even be argued that she should be extra vigilant about consuming drugs and living a life of crime.

To summarise, the examples discussed in this chapter show that people are not all born equal. Still, the existence of good and bad constitutive moral fortune does not give rise to a problem of constitutive moral fortune. The reason is that judgements of moral responsibility, praise, and blame can be defended in these cases using the complex theory.

²⁷⁰ It may be argued that Ann is not in control of her actions given her addition to drugs. Nonetheless, she can still be held morally responsible if she deliberated and chose to act in accordance with reason at an earlier point in time. Thus, some vicious actions may not be described as voluntary, but the vices resulting from these actions could remain the responsibility of the agent (Kosman, 1980, p. 110).

Conclusion

In this thesis I have examined the impact of moral luck on the justifiability of our judgements about moral responsibility. I have argued that paradigmatic examples of moral luck can be analysed in a way that shows that people are only held responsible for their voluntary actions, which are determined by reason, deliberation, and choice. Accordingly, people are not held responsible for the contributions of fate and the paradox of moral luck is dissolved.

Looking back at the thesis as a whole, two main conclusions may be drawn. First, clarification of the concepts of luck and moral luck is required to understand the nature of the problem of moral luck. Second, the existence of moral luck does not pose a difficulty for morality once we rid ourselves of some of Nagel's basic presuppositions regarding moral luck and, as an alternative, we maintain an Aristotelian theory of moral responsibility.

The first conclusion is drawn from a metaphysical discussion of the nature of luck and moral luck. The development of a satisfactory account of luck is essential for understanding the real nature of moral luck and it provides the necessary conceptual background for the overall discussion in this thesis. 'Luck' is elucidated in terms of a Hybrid Account of Luck, which consists of a significance condition, modal condition, and lack of control condition. 'Significance' is understood in Ballantyne's way, which captures our intuitions regarding significant events. This

hybrid account can distinguish a lucky event from a non-lucky event, particularly in comparison to the rival Lack of Control Account of Luck, Modal Account of Luck, and Probability Account of Luck.

The nature of moral luck is captured by a Hybrid Account of Luck plus a modified significance condition. For an event to be morally lucky it must either be of positive or negative moral value. This account of moral luck provides a more convincing way of thinking about the concept than Nagel's definition. This is because Nagel understands moral luck in terms of a Lack of Control Account of Luck, which can be criticised for misidentifying certain non-lucky events as lucky.

Furthermore, Nagel offers a vague characterisation of moral luck by defining it in terms of our evaluation of the moral or normative situation of the agent. To avoid ambiguity, the phenomena of moral luck is explicated by reference to the Hybrid Account of Moral Luck, whereas the problem of moral luck is connected to the legitimacy of ascriptions of responsibility, praise, and blame. Hybrid accounts of luck and moral luck also show that examples Nagel would ordinarily classify as constitutive moral luck are, according to my account, cases of moral fortune. The reason is that the modal condition cannot deal with cases of fortune, where something is necessary to who one is.

Nagel may argue that an analysis of luck is not a panacea and that a solution to the problem may not depend on it. In response, the conceptual work in the earlier chapters of this thesis is not trivial or unnecessary. This is because an improved understanding of these concepts is crucial for a general discussion of luck and also for a specific discussion of the problem of moral luck.

The second conclusion makes it evident that in order to solve the problem of moral luck we must be justified in praising or blaming people for their voluntary actions, or effects, in the actual world. This is achieved by ridding ourselves of some of Nagel's assumptions concerning moral luck and supporting instead Aristotle's complex theory of moral responsibility in addition to certain other aspects of his moral theory.

The Control Principle is implausible because Nagel's assumption that it necessitates regressive control is too demanding. There is also an important distinction to be made between judgements of moral responsibility and judgements of legal liability. Nagel is correct to draw attention to the discrepancies between legal punishments in cases of moral luck, but these differences are unrelated to justificatory issues of moral judgement. Subsequently, attributions of moral judgements are uninfluenced by considerations relating to legal penalties or other formal sanctions. A different but related point is that Nagel understands morality in a purely Kantian sense. However, there are important Aristotelian elements of our ordinary moral thinking that deserve our respect and so morality can be thought of in Aristotelian as well as Kantian terms.

Having scrutinised a number of Nagel's assumptions concerning moral luck, Aristotle's complex theory of moral responsibility allows that responsibility attaches to the voluntary actions of those who are capable of effective deliberation. The complex theory has an advantage when compared with the simple theory because the simple theory can be criticised for being over inclusive. What is more, the complex theory can better account for our general intuitions regarding the moral responsibility of adult humans for their actions as well as for their characters.

As a result, if we accept the complex theory then ascriptions of responsibility and of praise and blame in cases of circumstantial moral luck and resultant moral luck are justified. A final point is that the complex theory can be used to show that paradigmatic examples of constitutive moral fortune do not pose difficulties for morality either. Thus, a stable place for moral luck and moral fortune can be found without abandoning judgements of moral responsibility, praise or blame.

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