Owning up to Moral Luck

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ABSTRACT

VIDA YAO: Owning up to Moral Luck
(Under the direction of Susan Wolf)

Many philosophers have objected to the existence of moral luck, arguing that it violates a necessary condition of holding another morally responsible for something she has done: that she could have controlled whether or not it happened. However, in spite of what seems to be our commitment to this condition, it also seems impossible to simply eliminate the attitudes that suggest moral luck exists from our evaluations of each other, and ourselves. In this paper I argue that the existence of moral luck can be vindicated in two ways. Not only can it be made consistent with the morally relevant reasons we have for emphasizing an agent’s control over what has happened, our practices – upon the recognition that moral luck exists – will be able to admit of morally important phenomena that we cannot, even if we think otherwise, do without.
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I. Introduction

Moral luck exists if what one has done depends in large part on factors outside of one’s control, and one is nonetheless viewed as an appropriate object of moral assessment in respect to what has happened. It has been described by many as “troubling”, “unsettling”, “incoherent”, and even “rotten”: a “plague” that philosophers must cure themselves of once and for all. At the same time, it has shown itself to be more intractable than many might have hoped – arising in our attitudes and judgments even after we have reflected on the reasons why one might think that it shouldn’t exist. Bad moral luck seems to lie behind much of what we find tragic, and importantly, behind why there are such things are genuine moral tragedies. Why is Sophie’s decision to sacrifice her daughter so understandably tormenting for her, even though it is clear that she did the best that she could given the awfulness of her unlucky situation? Why do we understand that Oedipus’s story is one that is tragic for him – that it is personally and painfully regretful that he has married his mother and killed his father, even though he couldn’t have known what he was doing at the time? Those who would like us to be rid of moral luck will find ways of explaining our attitudes in such cases without allowing for one’s relationship to these events to be subject to luck. They will maintain that if these attitudes cannot be made sense of in light of what an agent could have controlled, they are not genuinely moral in nature - they are confused, and worse: they are unjust.

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1 See for example, Richards, “Luck and Desert”, Rescher, “Moral Luck”, and Delkin’s SEP article on the subject, and Domsky, “There is No Door: Finally Solving the Problem of Moral Luck”.

2 The character in William Styron’s novel, and in the more recent movie who is forced by a concentration camp doctor to choose which of her two children should die by immediate gassing, and which should live on in the camp.
In this essay, I will argue that the attitudes that support the existence of moral luck need to be seen in a more positive light than most have suggested. Such attitudes can be made consistent with many of the demands that we make on our understanding of moral responsibility: contrary to those who argue otherwise, we can incorporate what is morally important about an agent’s control without dismissing the moral relevance of the attitudes we have towards those who experience bouts of bad moral luck. First, I will discuss three responses that one might have towards the existence of moral luck – the first being Thomas Nagel’s argument that it presents an irresolvable paradox in our moral thinking, the second being that because we have moral responsibility, moral luck cannot exist, and the third being a retreat to a kind of revisionary responsibility, given that moral luck in at least one of its forms must exist. I will also describe the serious difficulties that these latter two responses face: namely, that neither can do justice to large portions of our moral phenomenology. Contrary to what many have thought, a life where we suppress attitudes of moral luck would be unsettling, and would do more damage to our understanding of our moral lives than a life where we acknowledge its existence. Second, I will argue that, contra Nagel, we need not conclude that we are stuck in an irresolvable dilemma. I will introduce and argue for an understanding of moral responsibility that can capture what is attractive about emphasizing an agent’s control while also incorporating our attitudes that suggest the existence of moral luck. Third, I will respond to two objections one might have to an account of this kind, and highlight several of the account’s strengths in light of the worry lying behind those objections: that by accepting the existence of moral luck, we will necessarily hinder our ability to live with one another in just and morally acceptable ways, because our judgments of one another will exceed what we could have had control over. As I

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3 “Moral Luck”, Williams and Nagel.
hope to bring out, taking moral luck seriously – owning, and owning up to its existence - can actually improve, rather than impede, our chances at doing this.

II. Responses to Moral Luck

As Nagel has outlined, there are at least three different kinds of moral luck: resultant, circumstantial, and constitutive.\(^4\) Resultant moral luck is luck in how things will turn out as a result of something that one has done. Of two equally negligent drivers, the one who hits a pedestrian stepping into a crosswalk a second too early will be morally unlucky, as she will not only have been careless, she will have done something morally bad. Circumstantial luck is the luck in what morally trying situations one will find herself in: a cowardly person will be circumstantially unlucky if she is a German citizen during WWII – she will have to face more moral challenges than she would have if she had been taken to another country as a child, and had lived out her life there in peace. Constitutive luck is the luck in what one’s moral character is like: a person is morally unlucky if, because of a harsh childhood environment or a negligent family, she develops into a cruel or selfish person. She would have been morally \(\text{lucky}\) if she had been raised in better circumstances and had, because of this difference, developed praiseworthy character traits instead.

One of the most acute descriptions of moral luck, given by Bernard Williams, is of a lorry driver who “through no fault of his own” kills a child.\(^5\) We can imagine that the driver is an experienced one, who was not being negligent in his actions, and who could not have in any way foreseen that the child would be exactly where she was when she is hit. And yet, we will find that

\(^4\) Ibid. Nagel also discusses a kind of luck that I think collapses into constitutive and circumstantial luck: “how one is determined by antecedent circumstances”.

\(^5\) “Moral Luck”, Williams and Nagel, 124.
it makes sense that the driver should feel differently from any other person who has merely happened to see the event take place. It is just pure bad and tragic luck that has led to the child’s death, and yet, when we comfort the driver – telling him that he should not blame himself for what has happened – our doing this presupposes that, “there is something special about his relation” to the child’s death. Williams names the regret that the lorry driver feels in this case, “agent-regret”, as it is different from the third-personal regret that we, as spectators with no connection to what has happened, will feel towards the accidental death of a child.

In this section, I will discuss three common responses to moral luck, and then introduce a fourth response that I will explicate and defend more fully in the following section. The first is that moral luck presents an irresolvable dilemma at the heart of our thinking about moral responsibility; the second is that moral luck cannot exist, if genuine moral responsibility exists, and the third is that moral luck must exist, and the fact that it exists renders genuine moral responsibility impossible. The fourth response denies that there is an irresolvable dilemma between moral luck and genuine moral responsibility.

**Response 1: Moral luck is paradoxical**

While Williams coined the term “moral luck” intending to highlight the phenomenon’s oxymoronic air, Nagel’s discussion presents the argument that the existence of moral luck in our everyday attitudes forces us into recognizing a full-blown paradox in our thinking about moral responsibility. According to Nagel, it is a constitutive feature of moral responsibility that one cannot be morally assessed for anything that she did not have control over. Nagel refers to this feature as “the control condition”. We can see the force of the control condition on our

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6 Ibid.

7 “Postscript to ‘Moral Luck’”, *Making Sense of Humanity.*
attitudes in cases where it is obvious that the agent could not have had any control over what has happened. For example, we should not blame her if she smashes a window after being pushed into it, just as we should not blame her for her actions if they were performed under hypnosis. While we might have certain negative attitudes towards outcomes that she has brought about in uncontrollable ways – we might lament the broken window, for example – our attitudes towards unfortunate states of affairs are importantly unlike ones that would pick out the agent herself as blameworthy for bringing them about.

Upon reflection, we see that not only do we seem to endorse the control condition in cases like those described above, but that the condition is a morally attractive one: it is only fair that one be assessed for exactly what she had control over, and not what she has been pulled or pushed about into doing by forces outside of her will. As both Nagel and Williams note, the emphasis on control is part of what makes Kantian moral theories appealing: since all rational agents are capable of controlling their moral status (as a good will will shine “like a jewel” regardless of the unlucky provisions of nature\(^8\)), so we are capable of sheltering ourselves - in at least this dimension - from the whims of an indifferent world.

However, in many of our everyday moral assessments, we find that we don’t seem to hold the control condition as necessary when evaluating a person for what has happened – we seem to express moral attitudes towards others and ourselves in ways that seem inconsistent with what they could have contributed to the situation, as the examples of bad moral luck above illustrate. The lorry driver, the German citizen who is asked to reveal to location of her Jewish neighbours, and the selfish person who grew up in difficult circumstances, all suffer from bad luck, and nonetheless are evaluated in light of what they have done.

\(^8\) Kant, Grounding for the Metaphysics of Morals, 7-8.
It seems as though the only way to account for this discrepancy is that we are including in our moral judgments of the agents factors that they could not control – a blatant mistake, according to our commitment to the control condition. But merely reflecting on the control condition and why we endorse it doesn’t seem to eliminate these attitudes in many cases. And, as Nagel illustrates, they cannot be explained as fleeting emotional reactions to what has happened, as we can know of the difference even before the event occurs: “If one negligently leaves the bath running with the baby in it, one will realize, as one bounds up the stairs towards the bathroom, that if the baby has drowned one has done something awful, whereas if it has not one has merely been careless”.\textsuperscript{9} One can recognize this difference before knowing whether the baby has died – and recognize that the discrepancy in moral status holds even though one had no control over exactly when the baby’s lungs would finally give out.

Nagel argues that any attempts to resolve this inconsistency between the control condition and our attitudes that reflect the existence of moral luck will only lead to the eventual collapse of moral responsibility as a whole. With cases of resultant moral luck, we can become convinced that we ought simply to make our attitudes more consistent with the control condition – equal intent or negligence deserves equal blame. We ought to conclude that it does not make a moral difference whether or not a child darts in front of your car, whether a baby is unable to hold its breath for a few seconds longer, or whether one’s pistol jams just as she shoots at her target. And then on further reflection, consistency seems to demand that it ought not make a difference to moral assessment that some people are unlucky to have been German citizens during WWII, while others are lucky to be living in present-day Saskatchewan: if the latter would have done the cowardly or vicious acts the former actually did because they were unluckily situated in time and place, then the latter are equally blameworthy.

\textsuperscript{9} “Moral Luck”, Nagel and Williams, 142.
However, we then begin to see the principle encroaching on not just the effects of our actions or the circumstances we find ourselves in, but on our constitutive features as well. That somebody possesses certain character traits, dispositions, and preferences rather than others will be, at some level of explanation, entirely out of her control. And thus, consistency will force us to recognize that she cannot be responsible for her cowardice or her selfishness, because these features are explanatorily grounded in her upbringing or genetic predispositions. We seem to blame people for what their characters are like, but for one who applies the control condition in an entirely consistent manner, doing so would be a mistake: individuals do not possess ultimate control over what they are like. The ways in which it seems as though an individual has control over what she is like are themselves grounded in other features of her character over which she doesn’t have control. One might come to realize that she loses her temper too easily, and make efforts to change this: by, for example, making sure she takes several deep breaths before speaking in heated situations. But that she is motivated at all to do this seems to rely on her other capacities or dispositions (such as the disposition to care about whether or not she has a short temper), and these features may be far back enough in her motivational set to not be under her control. And of course, if they are, we can just repeat the explanation for how they are until we see that we will have placed the explanation in something outside of her will. And so, it looks like according to our own commitment to the control condition, we cannot blame her, or any one, for her constitution.

Now, once we get this far along, the paradox is not too far ahead: if a person cannot be responsible for her constitution, how can she be responsible for what she intends to do, given that what she intends to do will be a function of her constitution combined with a given circumstance? If she is unlucky constituted and situated, she will be more likely to perform actions that deserve blame. But how can she deserve blame for such actions when the factors
that explain why she has done what she has done – what she is like, and where in time and place she happens to be situated - ultimately lie beyond her control?

And so, the problem of moral luck has led us to the more familiar problem of the freedom of the will. And because we have failed to find an agent that is absolutely free from determination when we examine how it is that we are constituted, there seems to be no proper object left for genuine moral assessment at all. Thus, moral responsibility sets a demand which - upon reflecting on our relationship to factors outside of our control - we realize can never be satisfied. Thus, moral responsibility cannot exist. But, as Nagel points out, this seems impossible to commit to. We return immediately to making those assessments, “as soon as the argument is over”\textsuperscript{10}, raising the worry that we cannot live up to our own philosophical conclusions.

**Response 2: Moral luck does not exist**

There are many who deny that Nagel has presented a genuine irresolvable dilemma for our understanding of moral responsibility. One position argued for in various ways is that moral responsibility must be committed to the control condition; that this control-centric moral responsibility exists, and thus, that genuine moral luck does not.

Such positions typically focus on resultant and circumstantial luck, and are characterized by a normative claim about how the control condition ought to be understood and applied, coupled with an explanation of why it is that our attitudes appear to track features of events and individuals that do not satisfy the proper application of the control condition. For example, Norvin Richards has argued that resultant and circumstantial luck do not actually exist, because

\textsuperscript{10} “Moral Luck”, Nagel and Williams, 145.
all that properly enters into our judgments of one another are what our characters are like.¹¹
Thus, if we include in our moral judgment of somebody the unlucky consequences of her actions, we are either mistaken in thinking that this is an appropriate way of evaluating her moral standing, or we are mistaken in thinking that such things accurately reflect her moral character. Richards also argues for a view Andrew Latus has labeled “the epistemic position”¹²: that the reason why we have certain attitudes which suggest the existence of moral luck is that we all exist in epistemically imperfect situations in regards to what one’s character is genuinely like. We do not, for example, know for sure whether a cowardly person won’t actually be able to muster up the courage needed in a precarious moral situation until she actually fails to do so, and so, we do not blame her as harshly as somebody who actually faces such a challenge and fails.

However, the epistemic position doesn’t on its own make sense of many examples of what seems to be moral luck encroaching on our attitudes. Undoubtedly, in many cases we don’t have enough information about what has happened to make an appropriate evaluation of the agent involved. In such cases, we are apt to make mistakes about how culpable a person is because we have made mistakes about their relation to what has happened – we assume that they had more control over what has happened than they really did, for example. However, certain cases illustrate that even when we do have sufficient information about what has happened, attitudes that suggest the existence of moral luck will nonetheless remain. Think back to Nagel’s example of the baby in the bath upstairs. One can know of the moral difference in what one has done, before one knows that the baby has died; and know that this difference hinges only on whether or not the baby actually dies, and not on any other information that is not yet available.

¹¹ Richards, “Luck and Desert”.
¹² Latus, “Moral and Epistemic Luck”.
We already know that the person has acted in a negligent manner – all that is yet to be discovered is what has happened because of it.

Furthermore, it seems that when a cowardly person fails a moral test, it is not just that we gain more evidence of her cowardliness – we also hold her responsible for what her cowardliness has made her *do*. We blame her for failing to help a friend in need, or for saving her own skin no matter the cost. While she may be just as cowardly as somebody who was never forced by circumstance to perform these actions, she is, it seems, *also* blameworthy for actually going through with them.

The worry about the epistemic position’s incapacity to fully explain the existence of the attitudes which suggest moral luck might lead some to even *less* charitable views about those attitudes. Perhaps the most extreme anti-luck position has been argued for by Darren Domsky.†³ He argues that there is nothing of ethical interest in these attitudes *whatsoever*; that they are simply irrational and should not be accommodated in any way – even the epistemic accommodation is far too friendly to such “rotten thing[s]”.†⁴ Moral luck, he suggests, is an illusion brought upon us by our psychological limitations, and our inherent moral failings. We are all selfishly biased, and so we are apt to make excuses for ourselves that we don’t make for others – when we make moral mistakes, we blame it on luck, but when others are unlucky, we blame it on them. Thus, to show any sympathy whatsoever towards accommodating the attitudes which suggest that moral luck exists, or to even think that there is something troubling about moral luck whatsoever, is to suffer from a failure to take seriously that it simply does not exist; it is just a product of our own selfishness and desire to punish others.

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†³ Domsky, “There Is No Door: Finally Solving the Problem of Moral Luck”.

†⁴ Domsky, “Tossing the Rotten Thing Out: Eliminating Bad Reasons not to Solve the Problem of Moral Luck”.

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Richards, Latus, and the most extreme, Domsky, are representatives of one horn of what Nagel sees as an irresolvable dilemma: that in order to avoid the paradox of moral luck, we ought to remain resolutely committed to the control condition, and eliminate the existence of genuine moral luck by explaining it away either as the result of epistemic errors or our psychological failings.

There are two major difficulties with approaches of this kind. The first is that such positions – even the more moderate ones, like Richards’ – do not do enough justice to the entire set of attitudes that we have towards those who seem to be morally unlucky. We saw that the epistemic position doesn’t capture the cases where we have sufficient evidence about what has happened, but nonetheless feel the influence of luck on our attitudes. We must also be wary of Domsky’s extreme position: it isn’t obvious that the appearance of moral luck occurs because of a widespread pathology shared by all human beings that would be, if only we were more perfect beings, stamped out once and for all. His explanation of these attitudes – that they are figments of our selfish imaginations – completely overlooks that we experience moral luck not only in our judgments of one another, but importantly, that we experience it in our own judgments of ourselves. He seems to assume that we only blame others for bad moral luck, without seeing that we will blame ourselves if we accidentally run over a child, or drown the baby in the bath.

We should also wonder what difference it makes to the relevance and importance of such attitudes to determine that they are irrational – they may very well be. If suggesting that these attitudes are irrational, this should be understood as the suggestion that they should not be felt, then the charge can’t be right. As Williams points out, whatever we should say about such attitudes, it isn’t at all obvious that we think they should never be experienced. We can elaborate on this point: we take it to be a sign of the lorry driver’s good moral character that he feels agent-regret for what has happened and takes responsibility for it. We might try to imagine what we’d
think of a lorry driver who, citing his rationality, reacted to the death of the child as we do – as bystanders who have merely watched a terrible thing occur. He might even give the response that Domsky believes he should give, if he were fully rational and (importantly!) fully moral: “What a shame – though it could have just as easily been any one of you”. I take it to be clear that we would either find such a response alien to human experience, or altogether blameworthy. If he is a decent person, we expect more from him, even though we also recognize that he has suffered from a stroke of bad luck that could have come upon us just as easily, but didn’t.

Likewise, even while recognizing that the lucky and unlucky negligent drivers have contributed in exactly the same way to what has happened, and are thus equally morally culpable for their negligence, we nonetheless expect the unlucky driver to behave and to feel differently: to react to the death of the child in a way that reflects her acknowledgement of her role in its death. We would find it loathsome if a cowardly person who lived in Nazi Germany were to disown her cowardly acts by blaming them on her unfortunate circumstances – thinking to herself, “After all, if I had just lived in Panama, I would have never had to inform the Nazis of my Jewish neighbours.”

Whatever it is we believe about the unlucky and negligent driver who kills a pedestrian, it would be inappropriate for her to feel as though she had nothing to do with it, even if she experiences regret in the third-personal way that we do. Whatever it is we think of the cowardly neighbour, while we might recognize that the circumstances she found herself in were particularly extreme, we cannot abide her citing those unfortunate circumstances as ones that

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15 This is a reflection of Williams’ observation that we would not “readily recognize” a life without reactions of agent-regret towards things that one has brought about in accidental ways, “though we may [think that we might],” as Domsky surely does (Nagel and Williams, 126, my emphasis). Perhaps calling such a response “alien” is too extreme – it is an intelligible response for the lorry driver to give, but only insofar as it is a response that would be given by morally imperfect individuals. If one were to insist that this is instead, the morally perfect response for one to give, then the morality in question would, I believe, be quite alien.
excuse her from what she has done. Even those who are caught up in the fervor of morally dubious mass movements when they are young and impressionable are admirable for recognizing that at some level they are irrevocably connected to what they did as members of those groups, even if they are not to blame.

In cases like these, our attitudes towards the agents involved will depend greatly on the particular details of the cases – with what psychological ease, or difficulty one performed such an action, at what age one was when the event occurred, how much duress one was under at the time, and the exact reasons she had for acting the way she did. It will make a difference in our attitudes if the negligent driver was negligent because she was drunk after a night out with friends, or because she was severely depressed from a friend’s death. But whatever particularities there are about a given case, and whatever particular attitudes arise depending on those particularities, the one reaction from the agent we would disapprove of would be one that reflects her disowning the event as if it has nothing to do with her. The agent cannot, in Margaret Urban Walker’s words, simply “shrug it off”. Instead, though we may not expect much, we still expect something – some acknowledgement that, even though it may have been out of her control, something that she has done contributed to some bad event in the world.

The second worry with anti-luck positions in general, one that both Williams and Nagel raise, is that if we are committed to applying the control condition to every aspect of our actions, it will not be enough to just eliminate resultant and circumstantial luck: we will need to say something about constitutive luck as well. Nagel discusses Adam Smith’s description of how to get rid of moral luck in all of its various forms, of “paring each act to its morally essential core, an

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16 Walker, 18.
inner act of pure will assessed by motive and intention”\textsuperscript{17}. But as Nagel asks of this attempt, “If one cannot be responsible... for the antecedents of one’s acts that are properties of temperament not subject to one’s will... 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?”\textsuperscript{18} And so, if we go about trying to eliminate constitutive luck by paring down the will to something pure and causally isolated from the things outside of it, “the area of genuine agency, and therefore of legitimate moral judgment, seems to shrink under this scrutiny to an extensionless point”\textsuperscript{19}.

A defender of one of these anti-luck positions might object to the claim that they are burdened with eliminating constitutive luck as well. Indeed, many discussions of moral luck pick out only resultant luck as the phenomenon in question. However, I take the reasons why those who emphasize the importance of control find resultant luck to be so troubling to reappear rather easily at the level of circumstantial and constitutive luck, as all forms of moral luck outrun the control condition in some way. Thus, an independent argument must be offered for drawing the line at constitutive luck – one that anti-luck theorists have not yet provided.

To see how the problems of moral luck will re-emerge once one has attempted to rid the world of resultant luck, take for example Domsky’s suggestion of how we ought to understand responsibility once we have completed this latter task. He suggests that in cases of bad resultant luck - for example, that of the negligent driver who kills a pedestrian - that everybody who is around to see the bad event happen has an equal duty to make up for those bad results, and

\textsuperscript{17} Nagel and Williams, 144.
\textsuperscript{18} Nagel and Williams, 146.
\textsuperscript{19} Nagel and Williams, 147.
should feel equally blameworthy, because we are all guilty of negligence at some point in our lives and have just been lucky in not hurting the people around us in serious ways.

But why should the witnesses be the ones to respond? Isn’t it just bad circumstantial luck that they were the ones who happened to be in the wrong place at the wrong time to witness the accident? Perhaps Domsky would clarify his position in order to get rid of circumstantial luck as well: actually, everyone who has ever been negligent in similar ways is equally guilty for this particular pedestrian’s death. But it seems implausible that we would think it morally good for all negligent drivers to feel guilty for every death that results from negligent drivers. If we came upon a friend who is racked with guilt because she has hit a child driving home, we will understand why she feels this way, and approve of her for doing so. If she is racked with guilt for all the people who have ever been hit by negligent drivers (though never having hit one herself), we might think she is suffering from a psychological disorder.

And furthermore, what about the negligent people who fail to feel the appropriate first-personal guilt towards all of the deaths caused by negligent drivers in the world? Domsky can’t, by his own lights, consistently hold them morally responsible for their lack of guilt, because their lack of guilt will at some level be a result from factors outside of their control. Perhaps they are simply constitutively unlucky to have been raised on the - according to Domsky - false idea that negligent drivers are responsible for the injuries they actually cause in a way that other negligent people are not.

Thus, if one is motivated to get rid of resultant or circumstantial luck because they are difficult to reconcile with the control condition, one will necessarily find moral luck problematic in all of its forms – including constitutive luck - and will have to say something about it as well. But, as we’ve seen, getting rid of constitutive luck will make moral responsibility impossible. Once the camel’s nose is in the tent, its body is sure to follow.
Response 3: Moral responsibility does not exist

One might think that in being unable to show that moral luck in all of its forms does not exist, we ought to just give up on the project of trying to justify genuine moral responsibility and the attitudes and judgments that go along with it. Such responses are similar to those presented in discussions of free will and responsibility, which argue that moral responsibility, because of its necessary commitment to the control condition, does indeed only apply to creatures with a certain metaphysical status that humans do not possess. And thus, we ought to give up on the practice of ascribing “real” or “ultimate” moral responsibility to ourselves and each other, and find a new way of understanding how we ought to evaluate one another for what has happened.20

But how should we go about determining what this new form of evaluation should look like? A worry that one might have once we give up on control-centric moral responsibility— a worry that Nagel raises - is that we will be unable to justify the kinds of distinctions that any plausible picture of responsibility would need to make. Since we will not be able to rely on the distinction between what one had control over from what one did not, we will end up with a picture of responsibility that cannot be justified in rejecting unjust or even unintelligible ascriptions of moral responsibility. We will have nothing to say to those who end up holding people responsible for things that they had nothing to do with; for events that happened before they were born, or were brought about by other people, or were done in completely accidental ways – all morally unacceptable results.

20 For example, the views argued for by J.C.C. Smart, (1961) or Galen Strawson. See Smart, “Free will, praise and blame” (1961), and Strawson, “The Impossibility of Moral Responsibility” (1994). For a view that deals specifically with moral luck, see Browne, “A Solution to the Problem of Moral Luck”, (1992). Browne argues that because of moral luck, we ought to give up a certain kind of moral hostility we might feel towards those we find blameworthy, since they are just morally unlucky.
But of course, one advancing this response will see that this isn’t necessary. We can pay attention to control in some respects – we just cannot look for the kind of control over one’s own constitution that the control condition, in its most purified form, demands. We can nonetheless make the everyday distinctions about when a person had control over what has happened – whether she was coerced into doing it, whether she was suffering from a delusion, etc. However, because none of us will actually satisfy the control condition as it applies metaphysically, we shouldn’t justify our practices by basing them off of a freedom we don’t have.

Instead, one might argue that we ought to rely on the other resources we have to justify our practices of ascribing responsibility to one another. For example, we should focus on the efficacy of blame and forms of punishment in reducing future instances of bad behaviour. We might also justify different kinds of treatments of those who seem to be disposed towards harming us – we will want to avoid them or put them away, in order to avoid suffering from the harmful consequences they seem to bring about.

Notably, this conception of efficacy-centric responsibility distorts what we take to be the content of ascribing moral responsibility to ourselves, and one another. When we morally criticize someone, for example, we do not need to believe that what we are actually doing is trying to get that person to behave differently in the future.21 Though we may sometimes do this, we might also just blame someone because what she has done is cowardly or selfish; we may even know that what she has done happened under such extreme circumstances – during WWII, for example - that it is unlikely that such an opportunity to act so badly in just this way will ever

21 Though we might always do this with young children, partly because we do not view them as fully responsible agents. Instead, we view them as individuals who still need to be managed and habituated into acting in acceptable ways and aren’t actually yet the proper objects of blame.
come up again for her, in her lifetime. Forward-looking efficacy just doesn’t seem to be the kind of thing that can, on its own, make sense of many of the attitudes that we have towards one another. As P.F. Strawson writes of this “one-eyed utilitarian” attempt to justify what we are doing when we hold one another morally responsible, “…this is not a sufficient basis, it is not even the right sort of basis, for the practices as we understand them”.  

Because such a view – like Nagel’s and the anti-luck theorists’ – take seriously that there really is a contradiction between genuine moral responsibility and moral luck, such alternatives to moral responsibility presuppose that we will not be able to honestly view one another as genuine moral agents – but something else. What we all really are, it will suppose, are creatures that need to be managed and controlled by one another, much like the very young, the senile, and non-human animals, justifiably subject to only anaemic versions of the attitudes that come with being a genuine agent subject to genuine moral attitudes. We might be able to say of another, “He is cruel”, but because we cannot believe him a genuine moral agent, we will not be able to blame him for his cruelty.

Response 4: Moral luck and moral responsibility exist

So far, we have seen three responses to moral luck: its existence is necessarily paradoxical; it cannot exist because genuine moral responsibility denies its existence; and it must exist and so genuine moral responsibility cannot exist. All three of the positions agree that there is an irresolvable tension between moral luck and moral responsibility, but disagree about which phenomena must be saved, and which discarded. Nagel takes a skeptical position towards “solving” the problem. And in the two proposed solutions, the move to discard one set of our

judgments, attitudes, and practices, to preserve the other will end up distorting our moral psychology in unacceptable ways – as Nagel alludes to.

The fourth response is that there is no genuine dilemma between moral luck and moral responsibility – that there is a way to understand ourselves both as moral agents, and as moral agents who experience good and bad moral luck. From the discussion above, we can extract several desiderata for a plausible alternative response. We want to do justice to the attitudes that reflect the existence of luck, and we want to be able to do this while still maintaining a conception of moral responsibility that isn’t distorted in unacceptable ways. We will also want to accommodate what is appealing about the control condition – a concern for fairness and justice in our ascriptions of moral responsibility. But how can we accommodate both sets of demands? Hasn’t Nagel shown us that our attitudes about moral luck and moral responsibility are inherently at odds with one another?

Williams does not take the existence of moral luck to be something that forces us into a paradox – though he does suggest that it forces us to recognize something about how we must understand ourselves as responsible agents. He writes:

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 – if one attaches importance to the sense of what one is in terms of what one has done and what in the world one is responsible for, one must accept much that makes its claim on that sense solely in virtue of its being actual.\(^\text{23}\)

Either we understand responsible agency as something which cannot make sense of, or denies the reasonability of, large portions of how we actually view ourselves and our practices (i.e., we settle for a picture of responsibility like the one described in Response 3 as the best we can hope

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\(^{23}\) Nagel and Williams, 126.
or, we understand responsible agency in a way that that is less superficial and maintains essential features of moral responsibility, but recognize that the person who is said to possess this responsibility cannot be “purified” by completing isolating the products of her will from all the things that are not. But what would it be to understand ourselves as “impure,” yet nonetheless responsible agents? What conditions of responsibility are we left with, if we are to refrain from using the control condition to purify an agent until nothing remains in its place?

III. Impure Responsible Agency

In this section, I will begin to illustrate how we can understand ourselves as morally responsible, impure agents. An impure agent is one that is understood as importantly connected to and constituted by (in terms of her moral status), things that are not just the product of her will. To contrast, a purified agent is what is picked out by the repeated application of the control condition – the completely undetermined agent, absolutely free of all forms of moral luck, that doesn’t exist.

Given that the control condition is an attractive feature of moral responsibility, in our attempts to find stable ground we should remain committed to what it is that makes it attractive, and maintain these features while still accommodating and explaining the appearance of moral luck. In order to do that, we should begin by separating the problem of moral luck into two distinct problems, and addressing each on its own terms. Firstly, I will address resultant, and circumstantial luck – the kinds of moral luck that do not as straightforwardly highlight metaphysical issues, as constitutive luck does. Secondly, we can then see what can be said about constitutive luck, in light of impure responsibility. In both discussions, I hope to illustrate how an understanding of impure responsibility can accommodate both 1) what is appealing about, and should be retained from, the control condition and 2) take seriously that what falls outside
of an agent’s control can still make morally relevant differences in our evaluations of ourselves and each other; i.e. the existence of moral luck.

III.I. Resultant and Circumstantial Moral Luck

In the discussion of anti-luck positions above, I argued that we cannot simply dismiss the attitudes that we have towards those who suffer from resultant and circumstantial moral luck as irrational. This label on its own does not do much work in helping us understand what to do with such attitudes, and it does not seem right that the lorry driver who has killed a child, or the German citizen who has turned in her Jewish neighbours, should feel as though they can completely and immediately disown the results of their actions because they would be irrational not to do so. We take it to be an indication of their good moral character that they experience agent-regret for at least some of the events that they contribute to, even if bad luck is also a major contributor to what has happened. To label such attitudes “irrational” would only suggest that we do not expect those who are morally admirable to be perfectly rational – a result that I doubt many anti-luck theorists would find inviting.

One way to maintain the emphasis on control, while still doing justice to the attitudes that reflect the existence of resultant and circumstantial luck, is to make a distinction between what an agent is morally responsible for, and what she ought to feel importantly connected to if she is a morally admirable person. We want, for example, a distinction between an agent being blameworthy, which might focus for her negligence alone; and being the subject of another set of attitudes because her negligence has actually brought about some bad event. Likewise, we will want to acknowledge that the lorry driver isn’t blameworthy for the child’s death, although he nonetheless, if he is a good person, will recognize his responsibility for it. The killing of a child,
under any description, is something serious enough to warrant an agent’s regret. We will want to recognize that sometimes people unluckily find themselves in circumstances where they must make difficult moral choices – but that even though they did not choose such circumstances for themselves, their moral character will be partly determined by not only what they actually choose to do, but how they experience their own relation to what they choose to do.

Williams argues that this reflects a distinction between our set of strictly moral attitudes, and another set of attitudes which suggest a distinct normative space not entirely captured by the first – and once we have seen the importance of distinctive space, morality will have to be understood in a new way: as no longer being the only kind of evaluation that matters of ourselves and each other. For the unlucky driver who has killed a child to remain morally pure would seem to reflect only that morality can’t capture all that we take to be important in our overall judgment of that person, as well as that person’s judgment of himself. But instead of separating off the “moral” from the “non-moral”, or “ethical”, as Williams is quick to do, we might instead understand resultant and circumstantial luck as revealing a distinction within our understanding of morality, between what it is that an agent is straightforwardly blameworthy for, and what morally relevant events she is responsible for bringing about. We can acknowledge that while one may not be morally responsible for the bad, unintended and unlucky consequences of what she has done, that her moral character will take into consideration whether or not she nonetheless recognizes her connection to those consequences in a way that we, as bystanders, do not.

25 Cf. Enoch and Marmor’s, “The Case Against Moral Luck”, where they suggest that until we know which description to count the consequence under, we cannot know whether the consequence in question is morally bad. As I will discuss further down, the description of an action (namely, its intentional description) can make a significant moral difference – but I nonetheless take some events, like the death of a child, to be bad under any description.
Thus, we can emphasize the importance of control, while also recognizing that the control condition need not be satisfied in order for one to feel importantly connected to some regrettable event that has come about as a result of one’s behaviour or existence. In order for a person to intelligibly feel agent-regret towards some bad event, she need only have caused it to happen – she need not have intended it to happen, and she need not have complete or any control over whether it happened. There is something admirable about those who recognize, in Williams’ words, that “in the story of one’s life, there is an authority exercised by what one has done, and not merely by what one has intentionally done.”\textsuperscript{26, 27} On this understanding of an impure agent, the control condition is not the limiting boundary of what we take to be important in our moral evaluation of who she is and what she has done: we will also take seriously, to some degree, her connection to events that were not within her control.

\textit{III.II. Constitutive Moral Luck}

We have seen that attempts to isolate an agent from constitutive luck will result in there being no responsible agent left whatsoever. So, if we hold onto the control condition and apply it consistently to every aspect of an agent, we will rather quickly become skeptical of moral responsibility. As we saw in \textit{Response 3} above, we will think it irrational to morally blame one another, as all of us are – at some level – constituted by features outside of our control.

The control condition is attractive in allowing us to justify our practices of moral responsibility in a way that seems just: we shouldn’t hold people morally responsible in cases where they had no control over what has happened, because it would be unfair to do so. We will

\textsuperscript{26} Shame and Necessity, 69.

\textsuperscript{27} This helps us make sense of tragic circumstances, where the best decision one can possibly make is still a very bad one. What is perhaps an especially tragic feature of Sophie’s choice is that her agency has been co-opted in a way so that it now must contribute to the death of one or more of her children. The awfulness of her situation is that it doesn’t deny her connection with the death because it has been forced upon her – it presupposes it.
want to maintain a commitment to making fair ascriptions of moral responsibility, while at the same time accommodating it with constitutive moral luck. And so, we should determine other ways in which we believe it unfair to blame someone for something that has happened.

We saw that with resultant and circumstantial luck, one’s moral character will take into consideration that what an agent is importantly connected to does not end simply where her control does – she need only to have *caused* something bad to happen in order to intelligibly feel agent-regret towards it, even if the situation she found herself in was such that the best option was still a bad one. Nonetheless, there is an important distinction to be made by determining which events are not ones she has merely brought about, but ones that are connected to her agency in a different way – we do not blame her for the events that she has merely caused, though we may blame her for different events that she has this other kind of connection to. One way to characterize the connection is by relying on the control condition: those events she has merely caused are ones that she could not have controlled, but those events that she could have controlled are ones that we ought to blame her for. But the control condition, on its own, doesn’t seem capable of doing this kind of work. We need some more precise tools, to get a more precise picture of the necessary conditions of moral responsibility. And once we do this, the agency necessary for moral responsibility becomes much more plausibly reconcilable with the existence of constitutive luck.

Williams suggests that one thing that is relevant to determining how we ought to judge somebody for something that has happened is whether an agent intended to bring it about, or not. If an agent has brought about something intentionally, she did so deliberately, knowing what she was doing. There will always be unintended aspects of what an agent has done intentionally – the careful lorry driver may have intentionally backed up his vehicle, but he did not intentionally kill the child, or cause the child’s parents’ severe emotional distress. Those were
the unintended results of his intentional action, and so we do not blame him for them even, though our judgment of his moral character will include whether or not he takes responsibility for them.

We must be very cautious when ascribing moral responsibility to one another that we have an accurate idea of what intentional description the action was performed under, as it will take on different moral significance depending on whatever intention may lie behind it. These differences are not fully captured by just settling the question of whether or not an agent had control over what happened. Think of a case in which an agent is given the chance to deliberate about doing something harmful to another, and so has some control over whether or not she should do it. She performs the action, harming the other person. It’s clear she had some control over this action, but is this information enough to determine her moral status, or whether she is morally responsible for what she has done? Control seems to have much less to do with the nature of her action than her intention does. Perhaps she knew she would be harming this person, but did it in order to prevent a very worse harm from coming to him. She hits the back of his head in order to squash a parasitic fly about to burrow into his skin. She knew that she was hitting him, she knew that she was going to harm him – and yet she is not blameworthy for her action. It was well intentioned; she had his wellbeing in mind. Her action takes on an entirely different significance if she hit the back of his head because she wanted to strike him for her own amusement, or because she was unjustly angry with him – in such cases, she is blameworthy for her bad intentions, and also for the harm that she has caused because of them.

We find that an agent will also be morally responsible for the bad results she brings about in a negligent way. If individuals are sufficiently negligent in their interactions with the world, even if they do not intend something bad to come about, it suggests that they are not wary enough of the dangers that could come about due to their carelessness, or that they don’t care
enough about the risk of such dangers to others. In such cases, we gain evidence that they are insufficiently good-willed, even if they are not actually forming any ill-willed intentions. If the lorry driver had run over the child because he had failed to check his blind spot, or he had failed to maintain the lorry’s breaks, we would blame him for the child’s death in a way that we would not if he had been completely fastidious in the driving and maintenance of his vehicle. In a case like this, not only is he blameworthy for his negligence, he is also blameworthy for what he has caused because of his negligence.

Williams also suggests a further distinction: even if we have determined that an agent has done something intentionally, or negligently, we will retract our judgment that they are morally responsible for what they have done if they were in an unusual state of mind while they performed the action. If we realize that our normally gracious friend is suffering from depression when she intentionally smacks the back of our head in frustration, or that a normally careful lorry driver was suffering from a brain tumour when he ran over the child in a negligent manner, we will retract our feelings of blame or indignation and may instead feel pity or sympathy towards them. The actions that an agent performs, and the harm that may result from those actions, lose or weaken their connection with the agent in these causes, as she was behaving unlike she normally does.

From observing the differences that these distinctions can make in our judgments of those who have acted in morally good or bad ways, we will now be able to use these tools in determining whether one is or is not morally responsible for what has happened. It is not enough that an agent has caused some bad event for her to be morally responsible for it (though this may be enough for her to feel agent-regret, or make us think she should, if what she has done is serious enough), she must have brought it about in an intentionally ill-willed, or negligent
way, while she was in a *usual state of mind*. These are the actions that she is morally responsible for, and her moral character will include whether or not she recognizes this.

Importantly, we must be careful that we are correct in our judgments about causation, intention, negligence, and a person’s state of mind. If we make our judgments correctly, we can see that such distinctions will do much of the work that the control condition more broadly tries to do – figuring out which events are ones that an agent ought to be held morally responsible for, and which she should not. We will be able to maintain that people are not morally responsible for things that they haven’t even caused, that they shouldn’t be held morally responsible for things that they didn’t intend to do (unless they were acting negligently at the time), and that it makes a relevant difference whether the person in question was deluded, or depressed, or otherwise in an unusual state of mind. If she wasn’t her usual self, we ought to retract our judgments that she is morally responsible for what she has done.28

It will, of course, be difficult to always determine exactly *why* an agent intended to do what she did, and whether she was in an unusual enough state of mind to warrant excusing for her behaviour. It can be difficult from both an internal and external point of view – people can be very unreliable in introspecting about such things. But however difficult this is to determine precisely, we can nonetheless make such distinctions, and when they are made correctly they provide us with the evidence we need in order to determine whether she is blameworthy for what has happened.

Importantly, that people are morally constitutively lucky and unlucky does not conflict with the conditions that she needs to satisfy in order to be held morally responsible at all. The kind of control we have accommodated – the control that an agent has when acting in an

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28 Though we may find it intelligible, depending on the case, if she feels agent-regret for it when she returns to her usual state of mind. Depending on the case, we may not expect her to feel this way, and yet understand why she might.
intentional or negligent way while in a usual state of mind – is consistent with the fact that at some level, there are constitutive features of who she is over which she doesn’t have control. Even though this will be the case with any subject liable to moral blame, she may be able to form good and bad intentions, or be insufficiently good-willed towards others.

But have we said enough to alleviate worries about control in relation to one’s constitution? One might think not: those who are constitutively unlucky will be more likely to form bad intentions and act out on them. While I don’t pretend to offer a full defense of the freedom of the will, there are a number of things that we should keep in mind, along with these distinctions, that might help us feel more comfortable with the kind of control that has been characterized.

We should remember that while people do not have direct control over what they are like, this does not mean they do not have any control. Most people who aren’t moral paragons, and who are even remotely self-aware, will recognize that there are blameworthy aspects of who they are. Those who do, and who also feel regretful about such things, may strive to change what they are like through indirect processes – going to therapy, making sure to take deep breaths when they are upset, etc. That one would be willing to do this demonstrates that she isn’t entirely badly intentioned towards others – that she is in some respects good-willed towards others and recognizes their claims on her as legitimate. We can hold her morally responsible when she is rude to people, but this is not inconsistent with our recognizing that her moral character isn’t wholly bad – that she isn’t just a bad person, even if many of her efforts to change her behaviour aren’t completely effective.

Notably, as in the case of resultant and circumstantial luck, we will alter our judgment of her moral character, depending on how she reacts to features of her own constitution: whether she accepts it as something regrettable about who she is and wishes were different, or blames it
on unlucky genetic or environmental factors. While she will still be blameworthy for acting on
her malicious thoughts and desires, we may approve of the person who recognizes that she
genuinely can be malicious, and owns up to it rather than externalizes it, denies that it is the case,
or blames it on something else. We may approve of her even more if she feels agent-regret for
these aspects of her character – though every now and then she still cannot help but enjoy
making jokes as another’s expense. As in our discussion of resultant and circumstantial luck, we
find that our moral evaluation of one’s character takes into consideration whether she takes
seriously the authority and moral relevance of aspects of who she is that lie outside of her direct
control – including aspects of her constitution.

With these distinctions in mind, we are capable of retaining phenomena that are essential
for moral responsibility – attitudes and judgments of moral blame and blameworthiness that are
not justified only with respect to completely purified agents, or non-moral agents that are to be
understood entirely in terms of the potential utility gained in our practices of management and
control. Furthermore, if something like this picture is right, moral judgments are not only
consistent with our understanding of ourselves as essentially impure – as inseparable from the
moral significance of constitutive features, as well as the events that we cause; moral judgments
of character seem to already incorporate the idea that human agents ought to understand
themselves as impure. We have seen that there is something admirable about those who take
seriously their status as beings whose moral lives are raveled up with the world in ways that they
do not completely control.

IV. Objections

So far, I have argued that moral responsibility is not at odds with an understanding of
ourselves as agents who experience moral luck in its various forms; that we have enough control
to count as moral agents, and that our moral evaluations of one another, while taking seriously aspects of the control condition once it is unpacked, also includes aspects of our lives that aren't under our control. I have called this, echoing Williams, impure responsible agency, in contrast with purified responsible agency, which attempts to (and fails to) locate a responsible agent by subtracting from her anything over which she doesn't have control.

There are a number of worries that one might have that I will now address. After responding to such objections, I will discuss some upshots of the view that I have defended, keeping in mind the worries that seem to motivate these objections. I will argue that the idea of impure responsible agency is actually well suited to addressing these worries – better suited, even, than purified responsibility turns out to be.

IV.I. Objection 1

The first objection would be raised by the three opposing responses to moral luck that I discussed above: that on a picture of moral responsibility that isn’t purified, we will necessarily fail to justify genuine moral attitudes in our attitudes towards one another. Genuinely moral judgments like blame, some argue, are necessarily tied to control – and thus, if at some metaphysical level we fail to have that sufficient level of control, we ought to recognize that genuine moral blame is unjustified. While an impure conception of responsibility might capture some of our attitudes and judgments, it must leave out those that go along with being “ultimately” morally responsible.

As we have seen, on this picture of impure responsibility, we have identified a level of control, and have shown how it can lead to certain moral judgments. If it is the case that she has intentionally done something that is ill-willed, or she has been negligent in ways that are insufficiently good-willed, while she is in a unusual state of mind, she is blameworthy for what
she has done. If somebody stomps on your foot because they want to laugh at your grimaced face, if somebody runs over a child because they fail to check their blind spot, they are morally responsible for doing so. Furthermore, on an understanding of impure responsibility, agents are understood to be importantly connected to aspects of their lives over which they do not have control – such as parts of their constitution – and the quality of their will will be reflected by what extent they are capable of recognizing this.

Our objector might nonetheless be unsatisfied, and argue that “ultimate” moral responsibility just cannot be justified unless we are, at some level, completely free of constitutive luck. If one is selfish, it is likely because there is some feature about her that has led to this disposition, over which they couldn’t have control. And so, while she may be responsible in some weaker sense for the actions she performs out of selfishness, she isn’t ultimately morally blameworthy for doing so. So while we can say that she is selfish, and acts poorly, and that we hate to be around her, we cannot really blame her.

Part of the worry behind this objection is that there are agents who act in prima facie blameworthy ways, but because they seem so unlucky in circumstance and constitution, they shouldn’t be considered objects of moral blame at all. Their bad luck is no longer moral bad luck because we should stop treating them as morally responsible at all. When we learn about the biographies of some serial killers, for example, we recognize that though they are genuinely ill-willed towards others and form intentions to do them harm while in their usual states of mind, given just how badly their lives had gone, it was no wonder they turned out the way that they did, and so we retract our attitudes of blame. Think of Aileen Wuornos: the serial killer who was the subject of the biographical movie, Monster. We learn of her murderous exploits, as well as her horrible upbringing: abandoned at the age of four, she was sexually abused by her grandfather and his friends, and became pregnant through rape by one of them at the age of fourteen. The
details go on, and we begin to see her purely as a victim of circumstance and the blameworthy behaviour of others, rather than as a proper object of blame. We think, once the movie reveals her first murder victim, no wonder.

Of such people, we also begin to experience what Strawson calls “the objective attitude” – we no longer take them to be subject to the full set of reactive attitudes, including blame:

Seeing an agent in such a light as this tends… to inhibit resentment because it tends to inhibit ordinary interpersonal attitudes in general, and the kind of demand and expectations that those attitudes involve; and tends to promote instead the purely objective view as the agent as one posing problems simply of intellectual understanding, management, treatment, and control.29

The control condition seems to do the work that we want here – we seem to retract our resentment of people if it seems obvious that they really couldn’t be any other way than they are. If a serial killer suffers from severe psychological damage or limitations brought about by her terrible childhood, she could not have turned out any differently, and so even when she forms ill-willed intentions towards others and acts on them in her usual state of mind, we do not blame her, or deem her blameworthy, though we will, of course, have to “manage”, “treat” and “control” her. But then one who applies the control condition consistently – to all of us, and not just serial killers and sociopaths - will find that at some level, we are all determined by what our brains are like, or what our upbringings were like. And so – the worry goes – none of us can be genuinely subject to moral attitudes, bringing us again to Response 3, as discussed above.

However, we should be sure that we really don’t have enough resources other than the control condition to distinguish between those who we feel resentment towards, and those we do not. We should remember important differences between those whose cognitive and conative capacities are damaged during their upbringing or because of genetic factors, and those who are mentally healthy. We should remember that some people have upbringings that severely

incapacitate their abilities to form correct beliefs about the world, and how to act in admirable ways. Such people suffer from constraints, for sure, but they are not metaphysical – they are psychological, or physiologically. Those who are looking for a purified kind of control to “really” mark the difference between sociopaths or the insane; and those who should be held morally responsible, will not find the difference that they demand. But this on its own should not make us retreat to *Response 3*: we may be able to find another way to draw this distinction, and the fact that the control condition fails to do so should give us further reason to put less faith in its capacities to make sense of our ethical lives.\(^{30}\)

Again, while I don’t pretend to offer a defense of a kind of compatibilism here, it isn’t obvious that it cannot be done. The distinctions I have discussed may not on their own, be enough to do this. But we should do more work to find where we can draw reasonable lines of responsibility within, as Strawson puts it, “the facts as we know them.”

*IV.II. Objection 2*

The second objection might be seen as related to the first: that any conception of moral responsibility which isn’t completely control-centric will necessarily lead to unfair ascriptions of blame, because we will judge one another on the basis of aspects of who we are and what we have done over which we had little or no control. Domsky, for example, argues that there will be an unacceptably unfair burden of guilt and blame placed on those who are simply unlucky, and we ought to avoid this kind of injustice by holding fast to the control condition. As we saw, doing so in the case of constitutive luck will render moral responsibility applicable to nobody. But, in order to alleviate the unfair burden placed on the constitutively unlucky, an anti-luck

\(^{30}\)We might, for example, find compatibilism for the freedom necessary for moral blame and praise in reasoning capacities.
theorist might think it is better, overall, that we not treat one another as genuinely morally responsible – as none of us turn out to qualify as such. One might think that though this reduces our relations to one another to ones of management and control, that it is nonetheless *fair* to do so.

This concern for justice is a serious one. However, given the distinctions discussed in the last section, we can do much to avoid unjust ascriptions: people should not be regretful for things they haven’t even caused, they shouldn’t be blamed for things they didn’t intend to do or weren’t negligent in bringing about, or for what they do when suffering from a hallucination or from other extreme psychological stresses. We need to be careful in making sure we don’t just assume what people’s intentions were when they acted – many unfair ascriptions of moral responsibility arise because actions are misunderstood as ill-willed or indifferent when they were not. These are all distinctions that we ought to draw in making our practices as just as possible.

The worry raised by an indeterminist is sure to rise again at this point of the discussion: how should we distinguish between those who seem constituted in such a way that they could really not have helped becoming cruel or selfish, and those who are supposedly subject to moral blame? How can we really rely on differences of degrees of control and mental capabilities to ground such a distinction?

A consideration that may lessen this worry is highlighted when we reconsider whether moral blame really is so awful, so negative, that it needs to be “ultimately” justified in a way that it is even possible that none of us can really be blamed at all; that it needs to be grounded in something as metaphysically robust as Free Will. Why is it, Williams asks, do we treat blame as if it were a “weapon of destruction, [that] can be loosed only in circumstances that ultimately
A worry that one might have about blame is that it can often appear in cases of those who are out for revenge; or who think that their moral judgments of another justify their destructive behaviour towards them. But we should take seriously that being blamed for something, on its own, need not be a purely retributive or destructive enterprise – we can blame another without feeling as though she ought to be punished in any other way, in the way we might blame our friends or our family for something that they have done. We may think that any punishment outside the guilt one might feel for recognizing what she has done would be totally uncalled for. Thus, if one thinks that it is unfair to punish somebody because, for example, he fails to feel agent-regret for a serious harm he has brought about, my account would agree. But this is because, importantly, questions of how to justify punishment should be separated from questions of how to justify blame.

Thinking back to Strawson’s discussion of the “objective attitude” that we take towards those who should not be blamed at all, being blamed for something cannot be purely destructive. The objective attitude is one that we take towards another is one that comes because of a retraction of our whole set of reactive attitudes, including gratitude, forgiveness, and certain forms of love. Those who are subject to blame are not merely like non-human animals, or the very young, or the senile. They are not to be simply controlled or managed. They are to be treated as individuals who can be reasoned with, who are able to feel guilt when they do wrong, and who we might very well love and respect in a way we wouldn’t if they were individuals who could never be subject to blame.

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V. Conclusion

I have argued that, contrary to much of the discussion about moral luck, the attitudes that we have which reflect its existence should be incorporated, and can be incorporated, into our understanding of moral responsibility; that we will do unacceptable damage to our understanding of ourselves should we think that these two phenomena are essentially incompatible with one another, and that our moral attitudes already reflect that we take a person’s moral connection to what she cannot control seriously. Using Williams’ suggestion that we understand ourselves as impure agents, I have tried to accommodate what is important about the control condition, with our attitudes of moral luck – namely, that we must acknowledge that it necessarily plays a role in how we morally evaluate each other and ourselves in relation to what we have done in the world, and not just what we have control over. This recognition on its own not contrary to the goal of ascribing responsibility in just ways – and so shouldn’t be seen as such. We will still have many of the tools we need to make sure that unjust ascriptions are avoided. Furthermore, I take the idea of impure agency to be psychologically honest and realistic – it retains what is important about the interpersonal attitudes we have towards one another when judge one another for what we are responsible for, and for what we are like.
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