



Moral Luck and the Question of Responsibility

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Abstract

The problem of moral luck is a genuine moral problem faced by all of us where the conflict arises on how and upon whom one should place the burden of moral responsibility when the situation is beyond one's control. On one hand, people commonly think that a person cannot be justly praised or blamed for his actions unless he controls them. On the other hand, ordinary moral judgments of persons routinely vary based on the actual consequences caused by the person, even when partly or wholly beyond his control. The problem lies in the apparent conflict between the idea that a morally responsible agent must control his actions and the standard practice of blaming people more simply for causing worse results even when the factors are beyond his control. My paper will focus on the various types of moral luck as explained by Thomas Nagel and analyze that the seemingly hopeless situations in the various cases of moral luck can be satisfactorily resolved by a proper theory of moral responsibility.

Keywords: Moral luck, Moral judgment, Moral responsibility, Ought

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Introduction

The problem of moral luck is best understood as a clash of common beliefs about moral responsibility and moral judgment. On one hand, people commonly think that a person cannot be justly praised or blamed for his actions unless he controls them. On the other hand, ordinary moral judgments of persons routinely vary based on the actual consequences caused by the person, even when partly or wholly beyond his control. For example, the drunk driver who kills two pedestrians is blamed for more than the drunk driver who merely collides with a telephone pole, even if their driving was equally reckless. The only difference in what they've done is due to luck, yet they are blamed unequally by themselves and others.

The problem lies in the apparent conflict between the idea that a morally responsible agent must control his actions and the standard practice of blaming people more simply for causing worse results even when the factors are beyond his control. As developed most clearly and forcefully by Thomas Nagel, the term 'moral luck' describes a state of affairs "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."¹ If people can only be held responsible for what they control, judging them on the basis of what they cannot is problematic. Yet we make such judgments all the time.

Matters of luck arguably influence all that a person is morally judged for, not only his choices and actions but also his character. My paper, deals with the problem of moral luck and its relation to moral responsibility. The basic structure of this paper will firstly, describe the basic problem of moral luck as developed by Nagel. Second, I will provide the Aristotelian account of moral responsibility based on an analysis of the nature of moral judgment. Thirdly, I will further develop the theory of moral responsibility and apply it in turn to each of the three basic kinds of moral luck: resultant luck, circumstantial luck, and constitutive

¹ T. Nagel, *Moral Luck: Mortal Questions*, Cambridge: Cambridge University Press, 1993, 26.

luck. My analysis will show that the seemingly hopeless situations in the various cases of moral luck can be satisfactorily resolved by a proper theory of moral responsibility.

The Problem of Moral Luck

Nagel's view on moral luck begins with a survey of the assessment of a broad range of external influences particularly the 'control condition' for moral responsibility. Appealing to the primitive intuition that "people cannot be morally assessed for what is not their fault, or for what is due to factors outside their control,"² Nagel observes 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."³ So "a clear absence of control, produced by involuntary movement, physical force, or ignorance of the circumstances, excuses what is done from moral judgment."⁴ The problem of moral luck arises from the attempt to consistently apply that control condition in our everyday moral judgments. When we look closely, Nagel claims that what we do depends in many more ways than on what is not under our control, yet the external influences do not usually excuse moral actions. So the problem of moral luck is that our ordinary moral judgments routinely violate the control condition: people are praised and blamed for matters beyond their control.

Nagel classifies the various cases of moral luck as resultant, circumstantial, and constitutive luck. In cases of resultant luck, a person is morally judged based on the outcome of his action despite his lack of control over that outcome, such as in cases of inherently risky action, failed attempts, and negligence. In cases of circumstantial luck, a person's moral assessment depends on accidental circumstances or situations. In cases of constitutive luck, a person is praised or blamed for aspects of his moral character imposed upon him by his upbringing or his genes. These cases seem to show that our standard moral judgments of a person—

² T. Nagel, *Moral Luck: Mortal Questions*, 25

³ T. Nagel, *Moral Luck: Mortal Questions*, 25

⁴ T. Nagel, *Moral Luck: Mortal Questions*, 25

whether for his products, his choices, or his character—are often substantially based on accidental factors outside his control.

Notably, the problem of moral luck does not merely present us with a limited set of puzzling cases about moral responsibility. Luck is a pervasive influence in human life. No one controls the particular family, culture, nation, or era of his birth. Few people have any significant power to influence the economic conditions, political institutions, or moral climate that shapes their lives. Our actions often have unexpected, and unpredictable effects in the world. Such external forces seem to influence the thoughts, actions, qualities, and products for which a person is morally judged. If that's true, then the problem of moral luck undermines attributions of moral responsibility generally, not just in a few select cases. That's why Nagel claims that "if the condition of control is consistently applied, it threatens to erode most of the moral assessments we find it natural to make."⁵

Therefore if people aren't responsible for their actions and characters, how do we differentiate right from wrong and virtue from vice? Consequently, most philosophers commenting on the problem of moral luck attempt to retain our practices of moral judgment in some form by developing alternative accounts of the relationship of morality and luck. That has proven more difficult than expected, in that neither the attempt to exclude luck from morality nor the attempt to include luck in morality seems to produce a plausible general theory of moral responsibility. For e.g. imagine that two people, A and B, are driving themselves home from a party, seriously drunk. At various times, both drivers drive erratically—but only unfortunately a pedestrian comes in path of A and he loses control. Since the presence of the pedestrian at the intersection was not in A's control, the death is a matter of bad luck for A. To eliminate the effect of luck, A and B must be judged and punished equally for their drunk driving alone, since that is the only thing which was under their control.

Again if we imagine a third party-goer C, who intends to drink and drive exactly like A and B, but who stumbles on a hidden rock while walking to his car, bumps his head, and passes out in the

⁵ T. Nagel, *Moral Luck: Mortal Questions*, 26.

bushes. Since C's intended drunk driving was prevented by the mere accident of an ill placed rock, all of them should be blamed and punished equally, based on their equal intention to drive drunk. We can also take a fourth case D who would have driven home drunk from the party, had his best friend not been killed by drunk driver last year. Instead, he drinks lime juice then drives himself home safely. D might seem to be a morally better person than the others since he refuses to drive drunk. Yet he would not have driven sober if his friend hadn't been killed—and that experience was purely a matter of luck. Consequently, all four of them should be judged equally in the attempt to remove the factor of luck from moral judgments despite the vast differences in the harms caused, the actions taken, the intentions formed, and the characters enacted by each person.

The important point to be raised here is whether justice lies in incorporating the factor of luck in assessment of moral actions or to do away with this constituent and focus on the fact that morality presupposes voluntary actions. The attempt to include luck in moral judgments creates problems in assessing the agents. Similarly exclusion of luck from our life is also difficult. As Nussbaum writes, 'Our openness to fortune and our sense of value, both render us dependent on what is outside us: our openness to fortune because we encounter hardships and come to need something that only another can provide; our sense of value, because even when we do not need the help of friends and loved ones, love and friendship still matters to us for their own sakes'.⁶

Nagel views the problem of moral luck as the product of an irreconcilable conflict between the subjective and the objective perspectives on persons. He claims that we initially think of ourselves and others from a subjective perspective, i.e., as agents in control of and responsible for our own actions. Yet as we investigate the external forces that influence a person's choices, actions, and character, we are forced to assume the objective perspective according to which "actions are events and people

⁶ Nussbaum, M. *The Fragility of Goodness*, Cambridge: Cambridge University Press, 1986, 1

things.”⁷ Then we see the morally responsible agent as merely a part of the world where the alternatives available to him are merely provided. So ultimately, Nagel claims, “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.”⁸ Nonetheless, we cannot abandon our original understanding of ourselves and others as agents, not even when we have seen that we are not responsible for our own existence, or our nature, or the choices we have to make.

So for Nagel, the problem of moral luck is ultimately insoluble. This view of moral luck raises more troubling questions regarding the subjective and objective perspectives on human agency, the question of responsibility etc. which are equally necessary and yet contradictory. In light of these doubts about the very foundations of the problem of moral luck, a fresh examination of the nature of moral judgment, and of moral responsibility is required.

Nature of Moral Responsibility

A person’s life covers a wide range of values: upbringing, career, a happy marriage, health, wealth etc. The pursuit of such values primarily depends on one’s actions, choices, capacities, resources, and so on. However, his success also depends on factors external to him, such as friends, natural events, social institutions, and other people. To ignore the possible impact of such external forces on our pursuits would put those pursuits in serious jeopardy. As Nussbaum refers to the Greek poet Pindar who mentions that a good person is like a young plant which is constantly growing, slender, fragile and in constant need of external help. These external influences help us in acting purposefully and intelligently to protect and promote the values that constitute our flourishing. However, moral judgments are properly distinguished from other kinds of assessments of persons in that they concern the principles that underlie and guide a person’s voluntary actions.

Moral judgments must be limited to a person’s voluntary aspects for the simple reason that all normative claims, whether moral or

⁷ T. Nagel, *Moral Luck: Mortal Questions*, 37.

⁸ T. Nagel, *Moral Luck: Mortal Questions*, 37.

not, presuppose an agent with the power to conform to the prescription or not. Absent that power, to assert that X ought to do Y would be senseless. Therefore a theory of moral responsibility is to determine that for which a person is morally judged. Since morality presupposes voluntary acts, a theory of responsibility must identify the essential qualities of all voluntary actions. Those criteria were originally defined by Aristotle in the *Nicomachean Ethics* (Book 3, Chapters 1-5). Aristotle's explicit purpose in those chapters on moral responsibility was to aid proper moral judgment. He observes that properly bestowing praise and blame on voluntary passions and actions and forgiveness and also sometimes pity on involuntary passions and actions presupposes that we can distinguish the voluntary and the involuntary. His basic idea is that an action is involuntary if it is done either by force or by ignorance, and if it is not involuntary in either of ways then it is voluntary. Now the question is: what are the requirements of a voluntary action?

First and most obviously, a person must control his actions to be morally responsible for them. For Aristotle, that control condition means something very specific, namely that the action originates from within the agent himself, such that he has the power to do or not do the action. Voluntary actions cannot be forced upon an agent; they must be the product of the agent's own powers of self-direction.

Second and less obviously, a person must act with adequate knowledge of his actions to be morally responsible for them. The agent must be aware of the particular circumstances of the action, such as who he is, what he is doing, what or whom he is acting on, and sometimes also what (e.g., what instrument) he is doing it with, and to what end (e.g., for safety), and how he is doing it (e.g., whether gently or violently). Aristotle never considers the question of responsibility for any non-voluntary actions.

This general framework of the nature of moral responsibility now needs to be applied to the proposed categories of resultant, circumstantial, and constitutive moral luck.

Resultant Luck

Resultant moral luck is luck in the way one's actions turn out. Nagel's basic claim is that a person's moral record is influenced by the outcomes of his actions, yet those outcomes are not wholly of his own doing but often substantially influenced by factors outside his control. The proposed cases of resultant luck fall into three broad categories: attempted wrongdoing, inherently risky actions, and negligent action.

In attempt cases, a person is blamed and punished more severely for the successful completion of some wrongful action than for a mere attempt—even when the difference between success and failure is wholly due to luck. This form of resultant moral luck is most easily found in the standard legal practice of punishing attempted crimes less severely than completed crimes. So as Nagel observes, “the penalty for attempted murder is less than that for successful murder—however similar the intentions and motivations of the assailant may be in the two cases.”⁹ In such cases, the assailant's culpability might depend on “whether the victim happened to be wearing a bullet-proof vest, or whether a bird flew into the path of the bullet—matters beyond his control.”¹⁰ Conversely, virtuous actions may be praised and rewarded more if successful (e.g., if John rescues the baby from the burning building) than if thwarted by luck (e.g., if John drops the baby from a fourth story window due to an explosion behind him). In uncertainty cases, the agent knowingly takes some inherently risky action, such that the outcome cannot be predicted with any reasonable confidence in advance, and the agent is morally judged based on that outcome. For example, “someone who launches a violent revolution against an authoritarian regime knows that if he fails he will be responsible for much suffering that is in vain, but if he succeeds he will be justified by the outcome.”¹¹

According to the advocates of moral luck, the only moral judgment possible at the moment of decision in such cases is that the agent

⁹ T. Nagel, *Moral Luck: Mortal Questions*, 37.

¹⁰ T. Nagel, *Moral Luck: Mortal Questions*, 29.

¹¹ T. Nagel, *Moral Luck: Mortal Questions*, 31.

will be blamed if he fails and praised if he succeeds—because the outcome determines what the agent did, e.g., launching a glorious revolution. In negligence cases, a person is blamed and punished more when his careless action causes a worse outcome, even though forces beyond his control determine that particular outcome. Imagine, for example, two identical truck drivers, both of whom are long overdue for a brake inspection. One drives safely home through uneventful traffic. The other is forced to brake suddenly to avoid a child darting across the street; when his brakes fail, he kills the child. The second driver is more blamed than the first. Yet, Nagel observes that the negligence is the same in both cases because the driver has no control over whether a child will run into his path. So the negligent person is blamed more or less based on an outcome beyond his control.

To resolve the apparent conflict between luck and responsibility in these puzzling cases of resultant moral luck, the control and epistemic conditions for moral responsibility must be extended beyond actions to outcomes. Moral responsibility for the outcome of some action requires more than just that the action be voluntary. The action also must be the salient cause of the outcome, and the outcome must be voluntary too. So let us first briefly examine these conditions of moral responsibility for outcomes, and then apply them to cases of resultant moral luck. The agent must be able (i) to produce the outcome and (ii) to know that his action might plausibly produce such an outcome.

So what do these conditions for moral responsibility for outcomes tell us about moral responsibility in the cases of attempt, uncertainty, and negligence? Applying the first condition, the action in cases of attempt, uncertainty, and negligence is clearly voluntary. The agent satisfies the control condition since he has the power to act or not: the hit man can squeeze the trigger or not, the mother with the child in the bath can leave the room or not. The agent also satisfies the epistemic condition since he's aware of the basic character of his action, whether malicious, risky, or negligent.

Circumstantial Luck

The central problem of circumstantial moral luck is that a person's moral assessment can be powerfully affected by the unchosen circumstances of his life. A person's actions are "limited by the opportunities and choices with which [he is] faced" – yet "we judge people for what they actually do or fail to do, not just for what they would have done if the circumstances had been different."¹² If that is right, then all moral judgments of a person's actions are tainted by luck.

The core cases of circumstantial moral luck concern the way that luck affects a person's opportunities to display his moral character in action. As Nagel mentions in his paper that if someone had faced severe circumstance, then he might bravely confront it or escape. But if the situation never arises, then he will never have the chance to distinguish or disgrace himself in this way, and his moral record will be different. Notably, the concern is not that circumstances will shape a person's character for better or worse, rather, the concern is that two people may choose two different courses of action, one morally better and one morally worse, not due to any difference in moral character but rather due to differences in the alternatives available to them in their particular circumstances.

In cases of circumstantial moral luck, the control and epistemic conditions confirm the standard intuition that that the actions in question are voluntary despite differences in circumstances. Voluntary action does not require control over all the factors influencing the action. Rather, so long as a person can choose to do or not do some action based on adequate knowledge of its nature, the action is voluntary. The fact that a person doesn't fully control the circumstances in which he acts and may face substantially different circumstances than others does not alter the basic nature of the action: the person knew what he was doing and could have done otherwise. So within any given circumstances, such actions are voluntary – and properly subject to moral judgment. However,

¹² T. Nagel, *Moral Luck: Mortal Questions*, 34.

a person rarely finds himself thrust into morally significant circumstances substantially beyond his control. Rather, a person's present circumstances are often the voluntary product of his past choices. For example, the teenager who chooses hoodlums as friends voluntarily risks involvement in their criminal activities. So if those circumstances arise, the person is properly held responsible not only for his voluntary actions in those circumstances but also for creating those circumstances for him.

The fact that a person's actions may be voluntary independent of his circumstances does not solve all the problems of circumstantial moral luck. Important questions linger about the justice of our ordinary moral judgments, particularly given that some people face difficult moral dilemmas and tests unknown to others. As concerns moral responsibility, we must consider the circumstances of the action, particularly the alternatives and information available to the person at the time. So in the story *Sophie's Choice*, Sophie's moral record is not stained by the fact that she gave away her elder son to the Nazi officer since her only alternatives were equally bad (giving him her younger son) and worse (allowing him to take both children).

In essence, moral judgments must be limited to a person's voluntary actions, yet those actions should also be understood and fairly judged when considered in the context of the surrounding circumstances. In fact, although a person surely ought to act well when faced with difficult moral choices, he is far better off avoiding such dire situations by foresight and planning when possible.

Constitutive Luck

Constitutive luck is luck in "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."¹³ Nagel observes that a person may have various character traits which might result in having certain feelings under certain circumstances, and to have strong spontaneous impulses to act in a certain way. Nagel insists that it is a matter of constitutive bad luck, presumably because a

¹³ Aristotle, *Nicomachean Ethics*, trans. David Ross, Oxford: Oxford University Press, 1925, 60-61

person cannot simply will his dispositions and feelings to be otherwise. While Nagel focuses on a person's present lack of control over the moral dispositions and feelings for which he is judged, the problem of constitutive moral luck also needs to be seen in the light of conditions of responsibility. First, he must act well or badly voluntarily. Second, he must have knowledge of his actions. Aristotle however feels that the constitution of one's character does not in any way affect the voluntary nature of his actions. In *Nicomachean Ethics*, he argues that careless people "are themselves by their slack lives responsible for becoming men of that kind [...] for it is activities exercised on particular objects that make the corresponding character."¹⁴ As a result, "it is irrational to suppose that a man who acts unjustly does not wish to be unjust or a man who acts self-indulgently to be self-indulgent. But if without being ignorant a man does the things which will make him unjust, he will be unjust voluntarily."¹⁵

Here we must distinguish between natural and cultivated qualities. A person ought not be praised or blamed for natural qualities per se since those are given. Moral responsibility only pertains to a person's cultivated qualities. As Aristotle observes that in the case of vices associated with the care of the body, "While no one blames those who are ugly by nature, we blame those who are so owing to want of exercise and care [...] of vices of the body, then, those in our own power are blamed, those not in our power are not."¹⁶ In response, the advocate of constitutive moral luck will argue that no bright line can distinguish innate temperament from moral character for the simple reason that a person's moral character can only be cultivated from the given foundation of his innate temperament. As discussed in relation to circumstantial moral luck, a person is properly judged for what he voluntarily does or not in the context of the given circumstances of his life, particularly in light of his available alternatives.

Thus the key point is that the notion of luck is not a genuine obstacle for moral responsibility. There are various ways in which

¹⁴ Aristotle, *Nicomachean Ethics*, 61.

¹⁵ Aristotle, *Nicomachean Ethics*, 61.

¹⁶ Aristotle, *Nicomachean Ethics*, 61

an agent may contribute something to an action, even though most of the relevant factors are not under his control. Thus moral agents need to be judged in the light of all information available with regard to the performance of an action. As Nussbaum points out that all of us may face conflicting situations created by the hand of luck but the best an agent can do is to have an emotion of remorse which is the natural expression of the goodness of a morally responsible agent.

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