

Moral responsibility &
moral luck

Last time we discussed the question of whether there could be such a thing as objectively right actions -- actions which are right, independently of relativization to the standards of any particular person or group of people.

Let's suppose that there are -- in other words, let's suppose that **moral absolutism** is true. This would still only vindicate part of our ordinary view of morality.

This is because ordinarily we talk not just about the rightness or wrongness of actions, but also about the rightness or wrongness of **agents** -- the people performing those actions.

These sorts of moral evaluation do not always go together. Imagine, for example, that someone does something which causes someone else great harm, but the person had no way of knowing that her action would cause that harm. We would ordinarily say, in this situation, that although the action was wrong, the agent was not to blame.

Our topic today is this second side of morality: the side of morality which evaluates agents as praiseworthy, or blameworthy, for their actions. This topic is sometimes called the topic of **moral responsibility**.

In the reading for today, Nagel tries to show that, on closer inspection, our ordinary views about moral responsibility turn out to be much more problematic than one might have thought.

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In the reading for today, Nagel tries to show that, on closer inspection, our ordinary views about moral responsibility turn out to be much more problematic than one might have thought.

The problem develops out of the ordinary conditions of moral judgment. Prior to reflection it is intuitively plausible that people cannot be morally assessed for what is not their fault, or for what is due to factors beyond their control. Such judgment is different from the evaluation of something as a good or bad thing, or state of affairs. The latter may be present in addition to moral judgment, but when we blame someone for his actions we are not merely saying it is bad that they happened, or bad that he exists: we are judging *him*, saying he is bad, which is different from his being a bad thing. This kind of judgment takes only a certain kind of object. Without being able to explain exactly why, we feel that the appropriateness of moral assessment is easily undermined by the discovery that the act or attribute, no matter how good or bad, is not under the person's control. While other evaluations remain, this one seems to lose its footing. So a clear absence of control, produced by involuntary movement, physical force, or ignorance of the circumstances, excuses what is done from moral judgment. But what we do

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The problem Nagel is developing here is based on what he calls the *condition of control*.

The condition of control

If the differences in the actions of two agents are due only to factors outside their control, then the differences in their actions cannot be significant for the moral evaluation (including praise and blame) of those agents.

This captures the intuitive idea that people cannot be blame for actions which are caused by things that are not their fault.

Intuitively, this principle seems true -- even obvious. But as Nagel points out, it has some surprising consequences.

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Nagel brings out the surprising consequences of the condition of control by considering a few examples in which it seems that our moral evaluation of agents does depend on factors outside the control of the agent.

These examples fall into four categories:

1. Luck in how things turn out
2. Constitutive luck
3. Luck in one's circumstances
4. Luck determination by antecedent conditions

We'll discuss these four sorts of cases in turn.

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Nagel first considers an example of luck in how things turn out; this is the example of the truck driver who runs over a small child. About this sort of case, Nagel says

The driver, if he is entirely without fault, will feel terrible about his role in the event, but will not have to reproach himself. Therefore this example of agent-regret⁴ is not yet a case of *moral* bad luck. However, if the driver was guilty of even a minor degree of negligence – failing to have his brakes checked recently, for example – then if that negligence contributes to the death of the child, he will not merely feel terrible. He will blame himself for the death. And what makes this an example of moral luck is that he would have to blame himself only slightly for the negligence itself if no situation arose which required him to brake suddenly and violently to avoid hitting a child. Yet the *negligence* is the same in both cases, and the driver has no control over whether a child will run into his path.

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Why would this sort of example pose a challenge to the condition of control?

Is the driver right to regard himself as more blameworthy in the case where his brakes fail and he runs over a child, than the case in which he fails to check the brakes, but nothing further bad happens?

Other similar cases are easy to come by: running a red light, or failing to shovel the sidewalk in front of one's house well enough, or failing to put on the parking brake when parked on a hill, or the difference between successful and unsuccessful murder attempts.

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Other similar cases are easy to come by: running a red light, or failing to shovel the sidewalk in front of one's house well enough, or failing to put on the parking brake when parked on a hill, or the difference between successful and unsuccessful murder attempts.

The condition of control says that, in each of these cases, the relevant agents are morally equivalent. Is this right? Does this indicate that we should make the corresponding changes to our legal system?

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A second, very different sort of case puts yet more pressure on the condition of control; these are Nagel's examples of constitutive luck.

An envious person hates the greater success of others. He can be morally condemned as envious even if he congratulates them cordially and does nothing to denigrate or spoil their success. Conceit, likewise, need not be displayed. It is fully present in someone who cannot help dwelling with secret satisfaction on the superiority of his own achievements, talents, beauty, intelligence, or virtue. To some extent such a quality may be the product of earlier choices; to some extent it may be amenable to change by current actions. But it is largely a matter of constitutive bad fortune. Yet people are morally condemned for such qualities, and esteemed for others equally beyond control of the will: they are assessed for what they are *like*.

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It is hard to deny that our personality traits or tendencies are often beyond our control. In these cases, the condition of control implies that we ought not to be blamed (or praised) for these traits. Can this be right?

Imagine that you have a child whom you raise to be determined in the face of adversity. Is it a mistake to regard them as praiseworthy when they exhibit determination of that sort?

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Nagel's third sort of case is luck in one's circumstances, for which he provides the following striking example.

A conspicuous example of this is political. Ordinary citizens of Nazi Germany had an opportunity to behave heroically by opposing the regime. They also had an opportunity to behave badly, and most of them are culpable for having failed this test. But it is a test to which the citizens of other countries were not subjected, with the result that even if they, or some of them, would have behaved as badly as the Germans in like circumstances, they simply did not and therefore are not similarly culpable. Here again one is morally at the mercy of fate, and it may seem irrational upon reflection, but our ordinary moral attitudes would be unrecognizable without it. We judge people for what they actually do or fail to do, not just for what they would have done if circumstances had been different.¹⁰

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It is very clear that, in the standard case, we do not have control over the circumstances we face in our lives. It is also clear that many people who have done things for which we blame them would have done no such things had they not been placed in those circumstances.

Does the condition of control imply that they are not responsible for what they have done? Or just that they are not more responsible than anyone else who would have done what they did, were they placed in those circumstances?

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Suppose that 40% of current American citizens are such that, if they had been living in Germany in, say, 1938, they would have become enthusiastic members of the Nazi party. Does that mean that those people are now as morally blameworthy as those citizens of Nazi Germany who were, in fact, enthusiastic members of the Nazi party?

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The fourth, and last, example of moral luck is luck in determination by antecedent circumstances.

This version of the problem of moral luck is familiar from our discussion of free will. The problem is this: if determinism is true, then all of our actions are due only to factors outside of our control, since they are all due to the state of the world before our birth in conjunction with the laws of nature.

And in fact the two main views about free will which we discussed -- that it is compatible with determinism, and that it is incompatible with determinism -- are closely related to different responses to Nagel's four sorts of examples.

Suppose that one is a compatibilist about free will and determinism. Then one will also likely be a compatibilist about moral responsibility and determinism. What should the proponent of such a view say about examples of luck in determination by antecedent circumstances?

Does this indicate that the compatibilist is committed to rejecting the condition of control? Does this show how the compatibilist should respond to Nagel's first three examples of moral luck?

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Does this indicate that the compatibilist is committed to rejecting the condition of control? Does this show how the compatibilist should respond to Nagel's first three examples of moral luck?

Now suppose that you are an **incompatibilist**. How should you think about luck in determination by antecedent circumstances?

Incompatibilism may also have consequences for our view of luck in one's circumstances.

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Incompatibilism may also have consequences for our view of luck in one's circumstances.

Recall the example of Nazi Germany used above to illustrate this sort of moral luck. That example relied on the following being true of many Americans:

If they had been in Nazi Germany and been subjected to the pressures to which ordinary Germans were subjected, then they would have freely joined the Nazi party.

Let Bob be such an American. Then what we are saying is that the following statement is true:

If Bob had been in Nazi Germany and been subjected to the pressures to which ordinary Germans were subjected, then Bob would have freely joined the Nazi party.

This statement is what is sometimes called a counterfactual of freedom. It says that if a certain person **had been** in certain circumstances, then they **would have** done such-and-such.

So it seems that the existence of luck in one's circumstances depends on their bring true counterfactuals of freedom.

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So it seems that the existence of luck in one's circumstances depends on their bring true counterfactuals of freedom.

But if incompatibilism is true, it is at least debatable whether such claims ever are true. After all, if incompatibilism is true, then no action can be free if it was determined by prior conditions plus the laws of nature. So, in particular, if Bob's decision to join the Nazi party would have been free, it would have been consistent with the prior state of the world and the laws of nature that Bob either join, or not join, the Nazis. But then in what sense can it be true that in this situation, Bob **would have** joined the Nazi party?

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However, it seems that neither incompatibilism nor compatibilism gives us much guidance on how to handle cases of luck in how things turn out. One might then, think that this is the hardest part of the problem of moral luck.

One response, of course, is to deny that how things turn out is relevant to moral assessment -- or that if it is relevant, it is relevant only to assessing the morality of the act, and not the morality of the agent. But many of us have the strong intuition that there is a genuine difference in the moral blameworthiness of the agent between such cases.

Moreover, almost everyone has the strong intuition that there should be a **legal** difference between a pair of examples of luck in how things turn out. Surely the person who drives drunk and runs over a child should be punished more stringently than someone who drives drunk, but arrives home uneventfully. But how can this legal difference be justified, if there is no moral difference -- if the one is really no more blameworthy than the other?

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Nagel thinks that examination of these cases shows that our habits of blaming and praising each other -- of holding each other morally responsible -- are incoherent.

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

Many people think that this is an overreaction. But it is hard to disagree with Nagel's point that we are at least initially inclined towards an incoherent position which combines endorsement of the condition of control with a belief in the moral significance of luck in how things turn out.

The challenge which Nagel's examples pose is to move from this initial position to a coherent view of moral responsibility which explains what we should think about the sorts of cases he discusses.