

Moral luck

Our topic today is *moral responsibility*.

Broadly speaking, we can distinguish two sorts of moral evaluation: we sometimes talk about whether a given *action* is right or wrong, and sometimes about whether a *person* is to be praised or blamed for their action. When we are talking about moral responsibility, we have in mind the second sort of moral evaluation.

In “Moral Luck,” Nagel discusses an argument for the surprising conclusion that no one is morally responsible for their actions.

This argument is based on the thought that

“Prior to reflection it is intuitively plausible that people cannot be morally assessed for what is not their fault.”

but if this is true, then it seems as though something like the following *condition of control* must hold:

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.

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

He does this by considering four sorts of cases which seem to be counterexamples to this principle. These are each cases in which “luck” -- i.e., factors outside of one’s control -- seem to affect the moral status of an agent.

The first of these are cases of *luck in how things turn out*. Nagel discusses a number of examples of this sort of moral luck, one of which is the following:

“the truck driver who accidentally runs over a child ... if he entirely without fault, will feel terrible about his role in the event, but will not have to reproach himself. ... However, if the driver was guilty of even a minor degree of negligence --- failing to have the 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.”

Other similar cases are easy to come by: running a red light, or failing to shovel the side walk 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.

Our principle implies that in each of these cases, the two agents should be regarded as morally on a par. Is this right? Does this imply that our legal codes should be revised?

Nagel's second example is what he calls *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. .. 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 the control of the will: they are assessed for what they are *like*.”

Why does this sort of case violate the condition of control?

Nagel's third example is *luck in one's circumstances*. Nagel points out that we typically do not have control over the decisions with which we are faced; but, it seems, it often happens that our moral standing is largely determined by the decisions and alternatives with which we happen to be presented. Nagel uses the example of the choices faced by citizens of Nazi Germany:

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

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?

Other examples are easy to come by: consider someone unfaithful to his or her spouse vs. someone who would be unfaithful if put in the wrong situation, but has never been in such a situation.

The fourth, and final, counterexample to the condition of control is based on determination of one's actions -- including one's inner acts of will -- by antecedent circumstances which are beyond one's control.

Nagel imagines someone holding to the condition of control in the face of the previous examples, and saying that an agent cannot really be blamed for one's temperament, or the consequences of one's actions, or the situations one ends up facing -- in this case, it seems that we are only responsible for our acts of will.

To this view, Nagel issues the following challenge:

“If one cannot be responsible for consequences of one's acts due to factors beyond one's control, or for antecedents of one's acts that are properties of temperament not subject to one's will, or for the circumstances that pose one's moral choices, then how can one be responsible even for the stripped-down acts of the will itself, if *they* are the product of antecedent circumstances outside of the will's control?”

This should remind you of our discussion of free will and determinism. How should an incompatibilist reply to this argument? How about a compatibilist?

Let's suppose that one has a compatibilist view of free will. Then one will presumably also be a compatibilist about moral responsibility: one will think that someone can be morally responsible for an action despite the fact that the action is a necessary consequence of facts outside the agent's control.

Does this already involve giving up on the condition of control?

Why this might seem to help resolve the apparent problem caused by the last three kinds of moral luck, but leaves the problem of luck in how things turn out unsolved.

Suppose now that we have an incompatibilist view of free will, and hence also an incompatibilist view of moral responsibility.

What should that leads us to say about luck based on causation by antecedent circumstances, or constitutive luck?

How about circumstantial luck?

Does incompatibilism help us with luck in how things turn out?

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 version 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.

How could these intuitions be explained?

Nagel's own response to these cases is a kind of skepticism about the very idea of moral responsibility. As he says,

"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."

This might be described as a combination of incompatibilist intuitions with a belief in a kind of determinism --- the view that Sider called "hard determinism" --- which seems to imply that there can be no such thing as genuine moral responsibility.