What is real?



Last time we discussed the question of whether there is a distinction between actions which are right and actions which are wrong.

Let's suppose that there are — in other words, let's suppose that moral nihilism is false. 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. Nagel sees the problem as emerging from the following principle:

"... 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."

We do seem to implicitly rely on something like this all the time. Why else do we excuse people when we find that the bad consequences of their action were due to factors outside their control?

One way to state this principle is as follows:

The condition of control If two agents differ only in factors outside their control, then one cannot be more blameworthy or praiseworthy than the other. The condition of control If two agents differ only in factors outside their control, then one cannot be more blameworthy or praiseworthy than the other.

The problem Nagel develops is that many of our ordinary judgements about moral responsibility seem to contradict the condition of control. That is why he calls these cases of moral luck — cases in which the moral standing of an agent seems to depend on factors outside of her control and hence, from the agent's point of view, on luck.

If you believe that there are cases of moral luck, then you are denying the condition of control. If you think that the condition of control is true, then you need to explain why the cases Nagel discusses, which seem to be cases of moral luck, really aren't. Nagel discusses four kinds of cases of apparent moral luck. We'll be focusing on three.



Luck in how things turn out

Luck in how things turn out is exemplified by 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 agentregret⁴ 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.

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

Luck in how things turn out 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.

If one wants to defend the condition of control, there seem to be only two options, both tough to defend.

The first is to say that the truck driver should not be so hard on himself; he should blame himself only as much as each of us blames him- or herself (presuming that we are all guilty of some minor bit of car negligence, or something comparable).

The second is to say that we should all be much harder on ourselves: we should all blame ourselves in the way that the truck driver should.

Luck in how things turn out One might argue in favor of the existence of moral luck of this sort as follows. 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, many think, the person who drives drunk and runs over a child should be punished more stringently than someone who drives drunk, but arrives home uneventfully. How might this be justified if the one is really no more blameworthy than the other?

Suppose that there should be a legal difference, but there is no moral difference. Could this be justified in the basis of deterrence? Or in some other way?

Luck in one's circumstances

Nagel gives the following example of luck in one's circumstances:

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?

Luck in one's circumstances

It is clearly not up to you when and where you were born. So if you think that these 40% of Americans are not as blameworthy as Germans who did in fact join the Nazi party, this appears to be a case of moral luck: a case in which two people differ morally despite the fact that the only relevant difference between them is something outside of their control.

Hence, if you take this view of the case, it seems that you are forced to deny the condition of control.

Luck in one's circumstances

Here is one sort of way to resist the possibility of luck in one's circumstances. The key example relies on the following claim 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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But if incompatibilism about free will and determinism 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?

Constitutive luck

Our last (alleged) example of moral luck are cases 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*. Constitutive luck 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?

One might think that this is a place where reflection on the condition of control should lead us to revise our practices. Maybe we really should not praise people for being smart, or athletic — even if we can still admire these traits.

It is less obvious whether this could be extended to character traits like honesty (or dishonesty) or generosity (or selfishness). But it is also perhaps less obvious that traits of this sort are out of our control.

Here is one test case. 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 — because, had they not had parents which encouraged this, they would not have exhibited that determination? 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.

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.