

## AGAINST LUCK-FREE MORAL RESPONSIBILITY

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Abstract: Every account of moral responsibility has conditions that distinguish between the consequences, actions, or traits that warrant praise or blame and those that do not. One intuitive condition is that praiseworthiness and blameworthiness cannot be affected by luck, that is, by factors beyond the agent's control. Several philosophers build their accounts of moral responsibility on this luck-free condition, and we may call their views Luck-Free Moral Responsibility (LFMR). I offer moral and metaphysical arguments against LFMR. First, I maintain that considerations of fairness that often motivate LFMR do not require its adoption. Second, I contend that LFMR has counterintuitive implications for the nature and scope of praiseworthiness and blameworthiness and that LFMR is vulnerable to a *reductio ad absurdum*. Third, I state some common reasons for thinking that LFMR's commitment to true counterfactuals of libertarian freedom is problematic, and I argue that if there are no such true counterfactuals and if LFMR is true, a person is praiseworthy and blameworthy at most for a tiny fraction of her actions. Fourth, I argue that proponents of LFMR cannot escape this skeptical cost by appealing to a different kind of counterfactual of freedom. Fifth, I develop an anti-skeptical motivation to affirm the idea that luck can affect moral responsibility.

Every account of moral responsibility has conditions that distinguish between the consequences, actions, or traits that warrant praise or blame and those that do not. This distinction is important. After all, believing that others are blameworthy when they are not is a bad state of affairs and so is blaming others when they do not deserve it. One intuitive condition is that praiseworthiness and blameworthiness cannot be affected by luck, that is, by factors beyond the agent's control, because the sphere of morally responsible agency is intuitively limited to the agent's contribution and that contribution alone. David Enoch and Andrei Marmor (2007), Rik Peels (2015), and Michael Zimmerman (2002) develop accounts of moral responsibility in accordance with this

luck-free condition, and we may refer to the common features of their accounts as Luck-Free Moral Responsibility (LFMR).

I offer moral and metaphysical arguments against LFMR. In the first section, I explicate Zimmerman's (2002) account of LFMR. At various places in the paper, I note the ways in which the accounts of Peels (2015) and Enoch and Marmor (2007) differ from Zimmerman's account in order to argue against every version of LFMR. In the second section, I maintain that considerations of fairness that often motivate LFMR do not require its adoption. In the third section, I argue that LFMR has counterintuitive implications for the nature and scope of blameworthiness and that LFMR is vulnerable to a *reductio ad absurdum*. In the fourth section, I state some common reasons for thinking that LFMR's commitment to true counterfactuals of libertarian freedom is problematic, and I argue that if there are no such true counterfactuals and if LFMR is true, a person is praiseworthy and blameworthy at most for a tiny fraction of her actions. In the fifth section, I argue that proponents of LFMR cannot escape this skeptical cost by appealing to a different kind of counterfactual of freedom. In the final section, I develop an anti-skeptical motivation to affirm moral luck; *moral luck* occurs in a case in which factors outside of an agent's control partially determine the praise or blame she deserves.<sup>1</sup> If these arguments are successful, they would contribute to the systematic defense of moral luck.<sup>2</sup>

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<sup>1</sup> Steven Hales (2015) has recently argued that the concept of moral luck is itself problematic, because we have no good theory of luck. I, however, do not think that we need to know what luck is in order to inquire about relationship between control, praiseworthiness, and blameworthiness.

<sup>2</sup> There are three other projects relevant to a systematic defense of moral luck: (i) to argue against other views of moral responsibility that imply the denial of moral luck, (ii) to offer direct arguments on behalf of moral luck, and (iii) to propose an error theory that accommodates insights from the errant views. I am currently undertaking all three projects.

### *Luck-Free Moral Responsibility*

LFMR is the view that luck is irrelevant to moral responsibility. In what follows, I sketch the shape of LFMR by showing the way in which moral responsibility is protected from luck in results, circumstance, and character.<sup>3</sup>

*Resultant luck* occurs when factors outside an agent's control influence how her action turns out (Nagel 1979, p. 29).<sup>4</sup> LFMR implies that the way an action turns out cannot affect an agent's praiseworthiness or blameworthiness. Suppose that Sally is at a party where she gets drunk and afterward drives home. On her way home, she swerves and merely hits a curb. Now suppose instead that Sally not only hits a curb but that she also kills a pedestrian. The only difference between these outcomes is a matter of luck. On Zimmerman's (2002, pp. 560-561) view, Sally is equally blameworthy in each case, but, in the case in which Sally kills someone, she is morally responsible for more events (Enoch and Marmor 2007, pp. 408-420; Peels 2015, p. 83). So, while Sally is not more blameworthy in the case in which she kills the pedestrian, she is morally responsible for more things (Zimmerman 2002, p. 560). LFMR, thus, implies that no resultant *moral luck* exists, because a person's resultant luck cannot even partially determine her praiseworthiness or blameworthiness.

*Circumstantial luck* occurs when factors outside of an agent's control affect which morally significant challenges she actually faces (Nagel 1979, p. 28). LFMR implies that the morally significant challenges that one actually faces cannot even partially determine an agent's praiseworthiness or blameworthiness. Consider an example from Judith Jarvis Thomson (1989,

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<sup>3</sup> The taxonomy belongs to Thomas Nagel (1979, p. 28). I leave out Nagel's fourth category, causal luck, in order to avoid an initial commitment to either libertarianism or compatibilism.

<sup>4</sup> Carolina Sartorio (2012) maps out several other kinds of resultant luck. I ignore those complexities, because my arguments target circumstantial and constitutive luck.

p. 214): Judge Actual and Judge Counterfactual would each freely take a bribe if it were offered. Only Judge Actual is offered a bribe, and so only Judge Actual becomes a bribe-taker. Because the only difference between them is a matter of circumstantial luck, Zimmerman's (2002, p. 564) LFMR implies that they deserve the same degree of blame (Enoch and Marmor 2007, pp. 420-425; Peels 2015, pp. 79-80). But how can Judge Counterfactual be as blameworthy as Judge Actual when he does not actually take a bribe? Judge Counterfactual is blameworthy "tout court" or simpliciter in virtue of the fact that he would freely take the bribe if one were offered to him (Zimmerman 2002, pp. 564-565).<sup>5</sup> So, agents are morally responsible *for* their actual free actions and *in virtue of* their counterfactual free actions.<sup>6</sup> Importantly, being morally responsible in virtue of a counterfactual free action is not mere character evaluation, because one can be blameworthy in virtue of a counterfactual free action that is out of character (Zimmerman 2002, p. 555). LFMR, then, rules out circumstantial *moral luck*, because a person's circumstantial luck cannot even partially determine an agent's degree of praiseworthiness or blameworthiness.

LFMR theorists differ, however, in the way in which they attempt to eliminate moral luck in character. Enoch and Marmor (2007, p. 426) helpfully distinguish between *direct constitutive luck*, which occurs when an agent has non-voluntarily acquired dispositions, and *indirect constitutive luck*, which occurs when a person's non-voluntarily acquired dispositions influence which actions she performs and forgoes. Whether an instance of either kind of luck is an instance of *moral luck* depends on whether it partially determines an agent's praiseworthiness or blameworthiness. So then, direct constitutive *moral luck* concerns praiseworthiness and blameworthiness regarding dispositions, and indirect constitutive *moral luck* is about

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<sup>5</sup> If there are true counterfactuals of freedom, Duncan Pritchard (2005, p. 260) and Nicholas Rescher (1990, p. 16) also affirm this view. Linda Zagzebski (1994, p. 407) explores a view like this but does not endorse it.

<sup>6</sup> Zimmerman (2002, p. 573) leaves it open whether those counterfactuals of freedom are compatibilist or libertarian.

praiseworthiness and blameworthiness regarding actions. For Zimmerman (2002, pp. 574-575) and Peels (2015), the project is to eliminate indirect constitutive moral luck, but, for Enoch and Marmor (2007, pp. 425-427), the challenge is to eliminate direct constitutive moral luck. I confine my attention here to Zimmerman's view, but I consider Enoch and Marmor's (2007) approach in a later section.

Suppose that Henry is non-voluntarily timid due to the way in which he was habituated, and, being influenced by his timidity, Henry walks away from Tim after being insulted. If, however, Henry had been non-voluntarily irascible in a similarly specified circumstance, he would have freely assaulted Tim. It is, then, a matter of indirect constitutive luck whether Henry walks away or fights back, because these different habituating communities produce in him different non-voluntary traits that decisively influence which action he performs. Zimmerman's LFMR implies that indirect constitutive luck cannot affect a person's desert of praise or blame. So, to preclude Henry's actual non-voluntarily acquired dispositions from affecting the praise or blame he deserves, Henry is praiseworthy and blameworthy (i) for his actual free actions influenced by his non-voluntarily acquired *actual* dispositions and (ii) in virtue of his counterfactual free actions influenced by his non-voluntarily acquired *counterfactual* dispositions. In our example, Henry is praiseworthy for actually walking away from Tim, but he is also blameworthy in virtue of the fact that he would freely assault Tim (Zimmerman 2002, pp. 574-575). So, because one is equally praiseworthy or blameworthy for one's actual actions as one is in virtue of one's counterfactual free actions in circumstances with counterfactual

character, one's indirect constitutive luck cannot affect moral responsibility.<sup>7</sup> LFMR, then, rules out indirect constitutive *moral luck*.

### *Demotivating LFMR*

LFMR is motivated by a principle-level intuition that desert of praise and blame should be wholly protected from luck. Zimmerman (2002, p. 559) writes, “[T]he degree to which we are morally responsible cannot be affected by what is not in our control. Put more pithily: luck is irrelevant to moral responsibility.”<sup>8</sup> Enoch (2008, p. 25) endorses a similar idea: the “moral status [praiseworthiness and blameworthiness] . . . supervenes on what is under one's control, so that, necessarily, there are no two persons alike in all features that are under their control yet whose moral status (of the relevant kind) nevertheless differs.” In order to simplify our discussion, it will be helpful to have a clear moral principle that represents the core idea embraced by adherents of LFMR.

*Comparative Control Principle (CCP):* If persons S and S\* are exactly alike with respect to some event X, except regarding factors that are external to each person's agency, then S and S\* are equally praiseworthy or blameworthy with respect to event X.<sup>9</sup>

The CCP delivers the case judgments that the LFMR theorist makes: we should equivalently assess the reckless drivers, corrupt judges, and timid/irascible Henrys, because, in each case pair, the only salient difference between the agents is a matter of luck. Indeed, LFMR theorists take the CCP as “moral bedrock” (Enoch 2008, p. 30), “most promising” (Peels 2015, p. 74), and having “enough intuitive support and philosophical credentials that one would need very strong

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<sup>7</sup> As Zimmerman (2002, p. 575) notes, some constitutive properties may be essential, and so LFMR may not be entirely moral luck-free.

<sup>8</sup> For more sophisticated versions of the control principle, see Zimmerman (2002, p. 565; 2011, p. 130).

<sup>9</sup> This formulation of the CCP is a slightly revised version of John Greco's (1995, p. 89) formulation. Greco rejects the CCP.

reasons to discard it” (Enoch and Marmor 2007, p. 407). LFMR theorists thus rely heavily on a principle-level intuition that desert of praise and blame is luck-free.

It is worth considering whether the CCP has anything to recommend it beyond intuition. The historical justification for the CCP is the ideal of fairness. Bernard Williams captures this motivation in these passages:

There is pressure within it [LFMR] to require a voluntariness that will be total and will cut through character and psychological or social determination, and allocate blame and responsibility on the ultimately fair basis of the agent’s own contribution, no more and no less (1985, p. 194).

Such a conception [of LFMR] has an ultimate form of justice at its heart, and that is its allure (1981, p. 21).

Indeed, Zimmerman (1988, p. 136; cf. 1987, p. 38) explicitly states that the ideal of fairness undergirds the CCP: “it is *unfair* to blame the collaborator more than the noncollaborator, since what distinguishes them is something over which they had no control [that is, luck in opportunity]” (italics mine).<sup>10</sup>

As Nathan Hanna (2014, p. 692) argues, if denying the CCP has implications of unfairness, then the claim that Judge Actual is more blameworthy than Judge Counterfactual must either be based on the arbitrary application of different standards or be based on irrelevant factors, but there is no good reason to think that either is the case.

On the one hand, the denial of the CCP need not base desert of blame on an arbitrary application of different standards. For one may assess both Judge Actual and Judge Counterfactual according to a standard which entails that agents are praiseworthy and

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<sup>10</sup> Other philosophers note that fairness is an important motivation for luck-free accounts of moral responsibility. See, for example, Andrew Latus (2000, p. 166), Neil Levy (2011, pp. 9-10), Michael Otsuka (2009, pp. 374-375), George Sher (2005, p. 180), Daniel Statman (2005, p. 425), and Margret Urban Walker (1991, p. 16).

blameworthy only with regard to actual-sequence events. On this necessary condition of moral responsibility, Judge Counterfactual cannot be blameworthy, but Judge Actual may be blameworthy. With other jointly sufficient conditions, Judge Actual plausibly is blameworthy. So, an even application of standards can justify a differential blameworthiness attribution in the judge case. On the other hand, denying the CCP does not obviously imply that desert of blame depends on irrelevant factors. For the whole moral luck debate is about which factors are relevant for moral assessment. So, one cannot assert that moral luck is unfair on *this* basis without begging the question—unless, of course, the LFMR theorist has an argument beyond her intuition that luck is irrelevant to praiseworthiness and blameworthiness.

I conclude that the ideal of fairness does not require endorsing the CCP. But since this consideration is the main source of justification for the CCP, I also conclude that the CCP has little to recommend it beyond principle-level intuition. In the next section, I draw out several counterintuitive features of LFMR in an attempt to show that its counterintuitive implications outweigh its intuitive merits. I also offer a *reductio ad absurdum*.

### *Moral Objections to LFMR*

LFMR has a counterintuitive implication regarding the *quality* of an agent's praiseworthiness and blameworthiness (Hartman 2014, pp. 88-89; cf. Peels 2015, pp. 74-75). In particular, agents may be praiseworthy and blameworthy in virtue of events that are radically different from the kind for which they are praiseworthy and blameworthy in the actual world. Suppose that mild-mannered Sandra would freely organize the deaths of hundreds of thousands of like people in a distant possible world. Additionally, suppose that Job the janitor would freely become a chemist and cure cancer in a distant possible world. According to LFMR, Sandra is blameworthy and Job



is praiseworthy in virtue of the relevant counterfactual of freedom. But it is counterintuitive that Sandra is as blameworthy as someone who actually perpetrates genocide and that Job is as praiseworthy as someone who actually cures cancer. After all, nothing for which Sandra and Job are praiseworthy or blameworthy in the actual world even moderately resembles the quality of their praiseworthiness or blameworthiness in virtue of the respective counterfactual of freedom.

Peels (2015, p. 76) believes that his version of LFMR can escape this objection with his account of luck. Zimmerman (2002, p. 559) and Enoch and Marmor (2007, p. 406) define a lucky event as an event that is partially determined by factors outside the agent's control, which is fairly standard in the moral luck literature. Call this the *lack of control condition* of luck. Peels (2015, p.77) endorses the lack of control condition along with the *modal condition*: a lucky event is an event that could easily have failed to occur. That is, a lucky event occurs in the actual world but not in the majority of nearby possible worlds (cf. Pritchard 2014). So, Peels's view is that an event is lucky if and only if it is affected by factors outside of one's control and it could easily have failed to occur.<sup>11</sup> The revised account of luck limits lucky events to those which occur in the actual world and nearby possible worlds.

How is Peels's LFMR supposed to escape the quality objection? Since it is not a matter of luck what an agent would be or do in a distant possible world, an agent is not praiseworthy or blameworthy in virtue of a counterfactual free action in a distant possible world (cf. Davidson 1999, p. 133). Thus, in the example, Sandra is not blameworthy in virtue of its being true that she would freely bring about a genocide in a distant possible world.<sup>12</sup> If Peels's LFMR escapes the quality objection by recourse to this refined account of luck, then it must be the case that it is

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<sup>11</sup> Peels (2015, p. 77) also adds a 'significance condition' that I neglect.

<sup>12</sup> Peels (2015, p. 74) limits his discussion of moral responsibility to blameworthiness, and thus he does not consider whether agents are praiseworthy in virtue of counterfactual free acts.

*only* in distant possible worlds that an agent performs counterfactual free actions that differ radically in kind from her actual free actions. After all, if it is only in distant possible worlds that an agent performs radically different kinds of counterfactual free actions, then the counterfactual free actions in virtue of which she is blameworthy are *not* very different in kind from her actual free actions. In that case, the quality objection is refuted.

The problem with the forgoing argument is that this claim is false: it is only in distant possible worlds that an agent performs counterfactual free actions that differ radically in kind from her actual free actions. In other words, Peels's LFMR is not shielded from the quality objection, because at least some of the counterfactual free actions that an agent performs in close possible worlds differ radically in kind from his actual free actions. For example, actual Ben is an average Samaritan—neither very good nor bad. In a close possible world, however, his parents die in a plane crash due to modally resilient technical errors by the maintenance crew. In response, he forms the malicious desire to harm the people who are responsible and kills several people who work for the airline. Counterfactual Ben, then, performs actions that do not even slightly resemble the kind of actions which actual Ben performs. Nevertheless, actual Ben is blameworthy in virtue of its being true that he would freely commit murder in a nearby possible world.<sup>13</sup> As a result, even Peels's LFMR has the counterintuitive implication that an agent is

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<sup>13</sup> An anonymous referee offers this objection: "The event of his parents (not) dying may be a matter of luck at the time at which it occurs or does not occur, but later on, at the time at which Ben is an average Samaritan or an evil person, the two worlds – in which he is a Samaritan and in which he is evil – are far apart, so it is no longer a matter of luck then." But it seems implausible that evil Ben murders in a distant world. For Samaritan Ben and evil Ben are exact matches for laws and history until Samaritan Ben's parents fail to get on the plane. Circumstantial luck, on Peels's view, occurs when one could easily have faced a different morally significant decision and facing it is outside of one's control. And it is circumstantially lucky for Samaritan Ben that his parents did not get on the plane, because they get on it in the majority of nearby possible worlds. So, Samaritan Ben could easily have been in a situation outside of his control in which he is flooded with negative emotions and has to make a choice about what to do with them. As a result, Samaritan Ben's counterfactual choice to murder counts towards his blameworthiness (cf. Peels 2015, p. 80).

blameworthy in virtue of counterfactual free actions that radically differ in quality from his actual actions.

The other counterintuitive feature of LFMR is the astounding *quantity* of free actions by virtue of which an agent is praiseworthy and blameworthy. As Zimmerman (2002, p. 579) states, “The view that I propose thus opens up the floodgates, as it were, when it comes to ascriptions of responsibility—of laudability as well as culpability.” For an agent is praiseworthy or blameworthy in virtue of any action she would freely perform in counterfactual circumstances. And because there is an infinity of such circumstances, the agent is plausibly praiseworthy and blameworthy in virtue of an infinite number of counterfactual free actions. And if an agent is praiseworthy and blameworthy in virtue of an infinite number of counterfactual free actions, she is infinitely praiseworthy and blameworthy, which is very counterintuitive.<sup>14</sup> Peels’s (2015) LFMR only somewhat mitigates this quantitative difficulty. While there are a great many circumstances in which an agent could easily have found herself if something in the actual world had gone differently, it is not clear that there is an infinite number of them. Rather, there may merely be an extremely large number of such circumstances. As a result, an agent’s praiseworthiness and blameworthiness in virtue of counterfactual free actions merely vastly outstrips her praiseworthiness and blameworthiness for her actual free actions, which is also counterintuitive.

A corollary of this quantity objection is that LFMR may threaten moral motivation (Anderson 2011, p. 379). Because the quantity of actual actions for which an agent is praiseworthy or blameworthy pales in comparison with the great number of counterfactual

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<sup>14</sup> I assume that praiseworthiness and blameworthiness do not cancel out one another. I thank Joel Archer for this point.

actions in virtue of which she is praiseworthy and blameworthy, one's choices in the actual world make only a trivial difference to one's overall degree of praiseworthiness and blameworthiness. In other words, nothing one can bring about in the actual world can *significantly* affect one's overall praiseworthiness and blameworthiness. LFMR, then, undermines the following moral motivation: one pursues good actions in order to add significantly to her overall praiseworthiness and avoids bad actions in order to prevent significantly adding to her overall blameworthiness.

The argument from moral motivation, however, does not apply to Peels's LFMR.<sup>15</sup> Peels (2015, p. 76) embraces the view that an agent is blameworthy "for being such that" she would freely perform a wrong action, and so he rejects Zimmerman's (2002, pp. 564-565) view that an agent is blameworthy simpliciter in virtue of counterfactual free actions. Because an agent is blameworthy "for being such that" she would perform a counterfactual free action, it is plausible that her character traits make the relevant counterfactuals of freedom true. But then, because an agent's actual free actions greatly shape her actual character, her actual free actions *can* make a substantive difference to her overall praiseworthiness or blameworthiness.

This escape route, however, generates a new problem. Namely, actual character-forming free actions have hyperbolic responsibility-level significance, because a single character-shaping blameworthy action (or a small finite set of such actions) can form an agent's character in a way in which she would freely perform an extremely large number of counterfactual free actions. Peels's (2015) LFMR, thus, has the counterintuitive consequence that performing one blameworthy action such as telling a lie can make one blameworthy to a staggering degree.

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<sup>15</sup> I thank an anonymous referee for this point.

In addition to LFMR's counterintuitive implications for the *quality* and *quantity* of praiseworthiness and blameworthiness, I argue that blameworthiness *loses its meaning* in a way that makes LFMR subject to *reductio ad absurdum*. Suppose that while Charles enjoys gambling, he has never been reckless. In a close possible world but not in the actual world, Charles loses his job. This is devastating news for him, because the majority of his self-worth is bound up in that job. He attempts to distract himself from his newfound emptiness by heading to the closest casino. In that circumstance, Charles would freely make a series of reckless bets and lose his life savings. His character does not determine that he would do this. Suppose further that Jan, Charles's wife, knows that this counterfactual of freedom is true—never mind how she knows it. She blames Charles by reacting toward him with resentment. But she sensibly takes into account the difficulty of Charles's counterfactual circumstance, and so she does not blame him to the degree she would have if Charles would have freely gambled away their life savings for the sheer pleasure of putting it all on the line.

Has Jan done something wrong by blaming Charles? If she has done something wrong, it is not, by hypothesis, that she is blaming someone who is not blameworthy. After all, LFMR implies that Charles is blameworthy in virtue of its being true that he would freely risk the family savings. Indeed, it appears that in the right circumstances, LFMR implies the permissibility of *counterfactual-blaming*, that is, blaming someone in the actual world on account of what he would freely do in a circumstance that will never be actual.

But there is something untoward about counterfactual-blame, and we shall discover what upon investigating a feature of blame itself. Angela Smith (2013, pp. 41-42; cf. Macnamara 2015, pp. 222-232) has recently argued that part of the enduring appeal of the reactive attitudes

account of blame is that it nicely captures the communicative function of blame: moral protest.<sup>16</sup> Simply put, the reactive attitudes account of blame identifies blame with an incipiently communicative and emotionally tinged response to someone who is judged to be blameworthy. The paradigmatic emotions include guilt, in cases of self-blame, as well as resentment and indignation, in cases of blaming others. What blame protests is the moral commitment implicit in the wrongdoer's behavior (Smith 2013, p. 41-42). Suppose that Paul gossips about Jennifer, and she finds out about it. When Jennifer blames Paul, she challenges the moral presupposition implicit in Paul's behavior, namely, that it is acceptable to treat her that way. She protests his lack of respect for her. This provides an occasion for Paul to recognize that at least one person views his behavior as morally unacceptable. In other words, it creates an opportunity for Paul to see himself through the eyes of another person, which may elicit guilt, remorse, or regret.

The troublesome feature of counterfactual-blame is that it lacks this communicative value. Jan's counterfactual-blaming Charles carries no message that he can receive. In blaming Charles, she protests the moral *presupposition* that gambling away the family's savings is an acceptable way to cope with loss. But the expressive feature of blame loses traction when Charles is neither theoretically nor practically committed to that presupposition. He is not theoretically committed to the presupposition, because he views the action of gambling one's life savings as morally repugnant. That is, he believes that gambling one's life savings is morally wrong and ought not to be done. But he is not practically committed to the presupposition either. For he performs no actual action that commits him to it, and he does not even form the actual intention to gamble his life savings if he loses his job. As a result, no feature of Charles's actual psychological life is eligible for protest, because it is only when Charles's slightly fragile

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<sup>16</sup> Many philosophers take seriously the communicative function of blame. Michael McKenna (2012), for example, has a book length account of blame modeled on communication.

dispositions are coupled with counterfactual emotional turmoil that there would be something in his psychological life to protest. In fact, we may even suppose that Charles's counterfactual free action is *out of character* in order to show that there is nothing in Charles's actual psychology to protest. After all, Zimmerman (2002, p. 555) allows an agent to be blameworthy in virtue of an out of character counterfactual free action. But then, Jan's resentment is necessarily a communicative failure. It cannot function to invite Charles to feel remorse, to repent, or to make amends.<sup>17</sup> Jan's counterfactual-blaming Charles is absurd.

Consider this argument as a *reductio*. Assume that LFMR is true. Thus, Charles is blameworthy in virtue of his counterfactual reckless gambling. Interestingly, Jan satisfies all the preconditions to counterfactual-blame in a morally permissible way: (i) she knows that Charles is blameworthy, (ii) blaming Charles is not hypocritical, (iii) she is relationally close to Charles, and (iv) she would have been harmed personally by the financial loss. The problem, however, is that Jan cannot meaningfully blame Charles, because there is nothing about Charles's actual psychology that she can protest. If a person who possesses ideal standing to counterfactual-blame cannot meaningfully blame the blameworthy person, in what sense is this person worthy of blame at all? In other words, given Jan's standing to blame, the absurdity of her counterfactual-blaming Charles lends powerful evidence that Charles is not blameworthy. But then, Charles is both blameworthy and not blameworthy. Contradiction! Our initial assumption that LFMR is true turns out to be false.

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<sup>17</sup> My response is vaguely analogous to Bill Wringe's (2012, pp. 128-131) attempt to vindicate the intuition that pre-punishment is impermissible by paying attention to the communicative function of punishment. On his view, the justification for punishment is that the hard treatment communicates to the wrongdoer on behalf of society that her conduct was wrong. This message is supposed to be a catalyst for remorse and re-integration. So, a successful instance of punishment is one in which the wrongdoer feels remorse, repents, and atones for her wrongdoing. But then, a successful instance of pre-punishment implies that the one punished is innocent, because if the one pre-punished hears the message, she will avoid committing the crime for which she is pre-punished. But since it is wrong to punish the innocent, pre-punishment is morally unacceptable.

One might object that the absurd conclusion follows from an absurdity in the scenario. Namely, no one has knowledge of counterfactuals of freedom with antecedents that do not occur in the actual world (call such counterfactuals *interesting* counterfactuals of freedom). But this supposition seems to be false. It is intuitive that we know at least some interesting counterfactuals of freedom about ourselves and those close to us. And we put this knowledge to use in our everyday planning and in relating to others. Furthermore, it is not obviously metaphysically impossible for someone to have received such knowledge from God, an angel, or an oracle. Thus, the thought experiment cannot be disqualified in this way.

So far, I have offered an argument to demotivate LFMR, and I have presented several moral arguments to rebut LFMR on the presupposition that there are true counterfactuals of freedom.<sup>18</sup> In the next section, I consider some common metaphysical objections to this assumption and count the cost.

### *Metaphysical Objections to LFMR*

The proponent of LFMR takes for granted that there are countless true counterfactuals of freedom in order to make moral responsibility luck-free. A counterfactual of freedom is a proposition of the following form: if agent S were in some maximally specified circumstance *c*, then S would freely *x*. Suppose that libertarianism is true.<sup>19</sup> Libertarianism is the view that freedom is incompatible with causal determinism and that human beings have the capacity to act freely and sometimes do so. On that supposition, LFMR presupposes that there are a vast number of true counterfactuals of *libertarian* freedom. But this is a potentially problematic commitment, because there are substantive reasons to think that such counterfactuals are never true. I do not

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<sup>18</sup> For a theological objection to LFMR, see Hartman (2014, p. 83).

<sup>19</sup> In the next section, I argue that LFMR is committed to libertarianism.



argue that these reasons are correct. My goal is to show that true counterfactuals of libertarian freedom are metaphysically contentious and that a cost follows for the LFMR theorist if there are no true counterfactuals of libertarian freedom.

The ‘Grounding Objection’ is that counterfactuals of libertarian freedom are never true, because such counterfactuals must have truth-makers in order to be true but there cannot be truth-makers for them (cf. Adams 1977). Why think that there cannot be concrete states of affairs in virtue of which counterfactuals of libertarian freedom are true? As far as I can tell, there are only three likely truth-maker candidates: actual human volitions, actual dispositions, or God’s actual volitions. The *actual volitions* of a human agent is not the right kind of ground to make counterfactuals of libertarian freedom about her true, because the subject of many such counterfactuals is a person’s exercise of agency in non-actual circumstances very different from her actual circumstances. And the agent’s *actual character* is not the right kind of ground to make counterfactuals of libertarian freedom true, because, as Zimmerman (2002, p. 563) himself insists, agents are not morally responsible for their character.<sup>20</sup> On his view, agents are morally responsible only for their acts, because only acts are directly within their control. In fact, not even *God’s actual volitions* (if God exists) can supply the truth-makers for counterfactuals of libertarian freedom. For if God’s volitions were the truth-makers, it would follow that God is able to determine which action any person would freely choose in any token circumstance. But this would undermine the sourcehood criterion of libertarianism wherein nothing outside of the agent determines what she does. Thus, all three candidates fail to provide a ground in virtue of which counterfactuals of libertarian freedom can be true.

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<sup>20</sup> In the next section, I explore the view that character grounds true counterfactuals of freedom.

Intuitively, however, true propositions about free action are the kind of proposition that require truth-makers. Even if *some* kinds of proposition such as negative existential propositions do not need truth-makers in order to be true, a proposition about free action is the kind of proposition we should expect to have one.<sup>21</sup> So, we have a brief but weighty argument that highlights the metaphysically contentious nature of true counterfactuals of libertarian freedom.

Another argument against true counterfactuals of libertarian freedom utilizes David Lewis's (1973) influential semantics for counterfactuals (cf. Anders et al. 2014; Hasker 1989, pp. 29-39; van Inwagen 1997). Consider the counterfactual P: If Alice were in a complete circumstance *c*, Alice would freely *x*. On Lewis's view, P is true if and only if Alice freely performs *x* in all the worlds closest to the actual world in which she is in *c*. Closeness between worlds is determined by overall similarity of laws of nature and history up until the relevant moment. So, if P is true, then, in all the worlds closest to the actual world in which Alice is in *c*, Alice freely performs *x*. But since the indeterminism intrinsic to Alice's libertarian act is located at the moment of choice, there are possible worlds in which Alice freely performs *x* in *c* and others where she freely performs  $\sim x$  in *c* that are exact matches to actual world with regard to laws and history. But then, it is not the case that Alice freely performs *x* in all the worlds closest to the actual world in which she is in *c*. Thus, P is false. The argument generalizes such that no counterfactual of libertarian freedom is true.<sup>22</sup>

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<sup>21</sup> Those who affirm true counterfactuals of libertarian freedom typically object to the claim that such propositions need truth-makers. Alvin Plantinga (1985, p. 374) suggests that it is intuitively clearer to him that there are true counterfactuals of libertarian freedom than that all contingently true propositions must be grounded in a concrete state of affairs. Similarly, William Lane Craig (2001) argues that counterfactuals of freedom are merely one of several classes of proposition that may be true without truth-makers. More radically, Trenton Merricks (2007, pp. 146-169) argues for a theory of truth according to which no true proposition requires a concrete state of affairs to make it true.

<sup>22</sup> Plantinga's (1974, p. 178) response is to revise Lewis's semantics so that counterfactuals of libertarian freedom can be true. Alternatively, Richard Gaskin (1993, pp. 427-429) rejects Lewis's semantics, because it precludes true counterfactuals of libertarian freedom.

If there are no true counterfactuals of libertarian freedom and LFMR is true, a skeptical conclusion follows. For without true counterfactuals of libertarian freedom to make moral responsibility luck-free, moral responsibility must be protected from luck in another way. The only other obvious candidate is Nagel's (1979, p. 35) original suggestion: luck undermines moral responsibility. The problem is that luck ubiquitously affects our traits, actions, and consequences, and so the remainder for which an agent is morally responsible after the luck has been "factored out" is a mere tiny fraction. In that case, people would be morally responsible at most for a tiny fraction of each trait, action, and consequence. This would be a cost for proponents of LFMR, because they endorse a revisionary account of moral responsibility in order to avoid responsibility skepticism.<sup>23</sup>

But if there is a way to reformulate LFMR without true counterfactuals of libertarian freedom, then LFMR may be resilient to responsibility skepticism even if there are no true counterfactuals of that kind. In the next section, I recast LFMR with three alternative kinds of counterfactual of freedom but argue that each candidate is problematic.

### *Three Attempts to Avoid the Skeptical Cost*

A minimally successful counterfactual candidate must not be liable to the Grounding Objection. The proposal should also be at least slightly morally plausible *and* be able to protect moral responsibility from luck. If it turns out that all three proposals are either metaphysically contentious, morally implausible, or not moral luck-free, LFMR would not be protected from this potential skeptical cost.

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<sup>23</sup> Some philosophers suggest that embracing responsibility skepticism is appealing in various ways. See, for example, Derk Pereboom (2014).

*Candidate 1:* Let us try recasting LFMR with *counterfactuals of compatibilist freedom*.

Compatibilism is the thesis that causal determinism is compatible with free action. True counterfactuals of compatibilist freedom are not metaphysically contentious, because the antecedent of the counterfactual supplies the truth-maker for the whole conditional. After all, the world represented by the antecedent of the counterfactual causally determines the world represented by the consequent, and thus the antecedent necessitates the consequent.<sup>24</sup> LFMR theorists appear to be open to compatibilism. Zimmerman (2002, p. 573) insists that his account of moral responsibility may be either libertarian or compatibilist.

*Rejoinder:* Compatibilism entails various kinds of moral luck. Philosophers such as Thomas Nagel (1979, pp. 36-38) and Alfred Mele (2006, p. 77) construe causal determinism as a kind of luck. *Causal luck* concerns the way in which the laws of nature and past states of affairs beyond an agent's control affect which action she performs or omits. Compatibilism entails that the laws of nature and past states of affairs beyond an agent's control can partially determine that for which she is praiseworthy or blameworthy. So, compatibilism entails the existence of causal *moral luck* if human actions are causally determined and agents are morally responsible for at least some actions. Alternatively, compatibilism merely entails the possibility of extant causal *moral luck* if one of the above assumptions is false. But this latter entailment relation provides a significant reason to think that LFMR is incompatible with compatibilism, because LFMR rules out the possibility of all the other kinds of moral luck we have considered.

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<sup>24</sup> A potential problem for this claim is that the truth of compatibilism does not entail that the world is causally deterministic. As Manuel Vargas (2012, p. 420) observes, "contemporary compatibilists usually embrace a kind of 'supercompatibilism,' holding that freedom and responsibility are compatible with both determinism and indeterminism" (cf. Fischer 2012). If human actions are in fact indeterministic, true counterfactuals of super-compatibilist freedom may be just as contentious as true counterfactuals of libertarian freedom.

A compatibilist friendly proponent of LFMR might attempt to dodge this objection by suggesting that extant causal moral luck is permissible but the existence of the other kinds are not. Call this view the *deterministic LFMR thesis*. Of course, one who endorses the deterministic LFMR thesis has the burden to show what the relevant difference is between these kinds of moral luck. But instead of merely shifting the burden of proof, I offer two reasons to reject the deterministic LFMR thesis.

Causal luck has a feature in common with resultant, circumstantial, and indirect constitutive luck, namely, that it is a species of luck. The standard definition for an event's being lucky in the moral luck literature is that the event is partially determined by factors outside the agent's control (Domsy 2005, p. 533; Enoch and Marmor 2007, p. 406; Greco 1995, p. 83; Nagel 1979, p. 25; Richards 1986, p. 198; Sverdlik 1988, pp. 79-80; Walker 1991, p. 15; Zimmerman 2002, p. 559). And if the LFMR theorist bars resultant, circumstantial, and indirect constitutive luck from affecting moral responsibility and luck in each case refers to lack of control, there is a good reason to think that moral responsibility must also be protected from causal luck. After all, causal luck occurs when the laws of nature and past states of affairs *beyond the agent's control* causally determine her action.<sup>25</sup>

An even more significant difficulty for the deterministic LFMR thesis and so for the conjunction of compatibilism and LFMR is this: the possibility of causal moral luck plausibly entails the possibility of circumstantial and constitutive moral luck. Why think that if causal luck can positively affect an agent's praiseworthiness or blameworthiness, the same must be true of

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<sup>25</sup> There is a relevant difference between causal luck and the other kinds of luck for Peels (2015) and Duncan Pritchard (2014, p. 605), because they believe that the modal condition is a *necessary* condition for luck. Since no causally determined action could easily have failed to occur, no causally determined action is lucky in virtue of its being causally determined. Thus, on this view of luck, the concept of causal luck is incoherent (cf. Levy 2011, p. 40). While I cannot defend my view here, I think that the lack of control characterization of luck is the *only* part of our ordinary usage relevant to assessing moral praiseworthiness or blameworthiness.

circumstantial and constitutive luck? The lack of control intrinsic to a causally determined act is *greater than* the lack of control intrinsic to a merely circumstantially or constitutively lucky act. For causal luck necessitates the other kinds of luck. That is, the deterministic process that is causally sufficient for an agent to act in a particular way is also causally sufficient for her to be in that circumstance with those dispositions. Causal luck also more deeply affects the agent's action. For the deterministic process that is outside of the agent's control suffices for her to perform a particular action, whereas features of an agent's circumstance or character merely influence which action she chooses. But compatibilism entails that causal luck, the greater lack of control, can positively affect moral responsibility. So, the same must be true for the lesser lack of control intrinsic to circumstantial and constitutive luck. Thus, because compatibilism entails the possibility of circumstantial and constitutive moral luck, LFMR and compatibilism jointly imply a contradiction. For this reason, the next two counterfactual candidates I consider are libertarian.

*Candidate 2:* If libertarianism is true and there are no true counterfactuals of libertarian freedom, Zimmerman (2002, p. 574) opts to reformulate LFMR with *counterfactuals of probabilistic libertarian freedom*. To illustrate this proposal, consider his example. George shoots and kills Henry. In contrast, Georg plans to shoot Henrik but fails to do so, because he sneezes during his only opportunity to take the shot. Nevertheless, it is true that Georg *would probably* (with an objective likelihood of 99%) have freely taken the shot if he had failed to sneeze. How should we assess Georg and George? According to Zimmerman (2002, p. 574-575),

[O]ne of two things follows: either Georg is 99% as responsible as George, or there is a 99% chance that Georg is as responsible as George. It is not clear to me which we should say, although I lean toward the latter. In either case, Georg clearly cannot count on having a clean moral record just because he sneezed.

In other words, either it is 99% objectively probable that Georg is 100% as blameworthy as George, or it is 100% objectively probable that Georg is 99% as blameworthy as George.

*Rejoinder:* Hanna (2014, p. 689) notes that Zimmerman formulates the counterfactual of probabilistic libertarian freedom in two different ways. Take first the assessment that there is a high objective probability, 99%, that Georg is as blameworthy as George. This proposal formulates the counterfactual of probabilistic libertarian freedom this way: *it is probably the case that if S were in circumstance c, S would freely x*. But this formulation inherits whatever problems face counterfactuals of libertarian freedom themselves (Hanna 2014, p. 689). Suppose that the Grounding Objection or Lewisian semantics shows that counterfactuals of libertarian freedom are necessarily false. In that case, it cannot be the case that it is 99% probable that a counterfactual of libertarian freedom is true, because necessarily false propositions have no chance of being true. Thus, this formulation does not circumvent the metaphysical commitment we are trying to avoid.

Zimmerman's (2002, p. 575) preferred assessment is that Georg is 99% as blameworthy as George, the attempted murderer. This proposal is committed to formulating the counterfactual in this way: *if S were in circumstance c, S would probably freely x*. Georg is 99% as blameworthy as George, because if Georg had not sneezed, he would probably have freely attempted to murder Henrik. This proposal does not appear to be metaphysically contentious, because Georg's mood, dispositions, and reasons plausibly provide the truth-maker for what he

would probably freely do.<sup>26</sup> So, the counterfactual's antecedent plausibly necessitates the consequent.

This formulation of the probabilistic counterfactual, however, is morally inadequate (Hanna 2014, p. 690). Suppose that Owen undertakes a plan to kill a rival. It is true that if Owen were in circumstance *c*, he would probably (with a 99% objective probability) freely kill his rival. On the current proposal, Owen is 99% as blameworthy as a person who freely kills his enemy, and Owen is blameworthy in virtue of the relevant true counterfactual of probabilistic libertarian freedom. In the future, Owen finds himself in *c* with a chance to kill his nemesis. He freely chooses not to kill his enemy. Of course, Owen's refraining from attempting to kill his enemy is entirely consistent with it being true that if Owen were in *c*, he would probably (with a 99% objective probability) freely shoot and kill his rival. But now we have reached a morally absurd consequence: Owen is 99% as blameworthy as an attempted murderer when he has freely chosen *not* to attempt murder. Surely, this cannot be explained by the fact that Owen plotted and almost attempted to murder his enemy, because the lion's share of the blameworthiness plausibly accrues to the attempt rather than to the planning. Indeed, there is no good explanation for it. So, the morally implausible implication of this formulation of the counterfactual disqualifies its use by the LFMR theorist.<sup>27</sup>

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<sup>26</sup> A potential problem with this proposal is that some libertarians such as Lara Buchak (2013, p. 25) and Leigh Vicens (2016) deny that a free act has an objective probability of occurring. Other libertarians including Timothy O'Connor (2009, p. 120) believe that a free act has an objective probability of occurring.

<sup>27</sup> Hanna's (2014, p. 690) version of the thought experiment puts the counterfactual's antecedent in a different possible world. In my thought experiment, however, I stipulate that the antecedent of the counterfactual occurs in the future, because I think that it elicits a stronger 'morally inadequate' intuition. But as an anonymous referee points out, my version of the argument targets only the views of Zimmerman (2002) and Enoch and Marmor (2007), because, as Peels (2015) would retort, it is not the case that one could easily have been in a future circumstance. Interestingly, Hanna's argument *does* apply to Peels's view. So, perhaps the best anti-LFMR strategy is to divide and conquer.



Furthermore, neither formulation of the counterfactual makes praiseworthiness and blameworthiness immune to luck.<sup>28</sup> After all, it is 100% objectively probable that an agent who *actually* performs a morally wrong action without excuse or exemption is 100% blameworthy for it. On either construal of the counterfactual of probabilistic libertarian freedom, however, both probabilities are not 100%. So, which circumstances and non-voluntarily acquired dispositions are actual affect the agent's praiseworthiness and blameworthiness.

*Candidate 3:* LFMR might be recast with *counterfactuals of indirect libertarian freedom*. According to Robert Kane (1996, pp. 44-78; 2007, pp. 13-22), there are two kinds of libertarian free action: direct and indirect. *Directly free acts* are characterized by an agent's (i) not being causally determined to act by anything outside herself (ii) having alternative possibilities at the moment of choice, and (iii) being the source of her action in an appropriate way. One reason why directly free actions are important is that they form character for which an agent is ultimately responsible. *Indirectly free actions*, in contrast, require the satisfaction of conditions (i) and (iii) but not (ii)—the alternative possibilities condition. In an indirectly free action, the agent's will is set "one-way" by character for which she is ultimately responsible (Kane 2007, p. 19). That is, when an agent performs an *indirectly* free act, the agent has performed directly free acts in the past, and the result of those directly free acts is that she forms character for which she is ultimately responsible and that character determines her present act (cf. Pawl and Timpe 2009, pp. 409-413; Dean Zimmerman 2011, p. 177).

Counterfactuals of indirect libertarian freedom, then, have the following form: *if agent S were in circumstance c, S would indirectly freely x*.<sup>29</sup> Since the agent's freely performing *x* in *c* is

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<sup>28</sup> I thank an anonymous referee for this point.

<sup>29</sup> The metaphysically contentious counterfactual of libertarian freedom is this: if agent S were in circumstance *c*, S would *directly* freely *x*.

causally determined by her character, the antecedent of the counterfactual necessitates the consequent. And we appear to have arrived at a metaphysically uncontentious counterfactual. For ease of reference, call the reformulation of LFMR with counterfactuals of indirect libertarian freedom the *Indirect Strategy*.

The Indirect Strategy is not open to all LFMR theorists. Zimmerman (2002, p. 563), for example, claims that agents are not morally responsible for their character. If agents are not morally responsible for their character, then they cannot act freely in the indirect way. Zimmerman is, thus, limited to the first two counterfactual candidates. But Peels (2015) and Enoch and Marmor (2007, pp. 425-427) can use the Indirect Strategy.

If LFMR theorists endorse the Indirect Strategy and so grant that agents can be morally responsible for character, they should also require luck-free desert for character. In that case, LFMR implies that no direct constitutive moral luck exists. Recall that *direct constitutive moral luck* occurs when factors outside an agent's control affect which non-voluntarily acquired traits she possesses and the praise or blame she deserves for them. Enoch and Marmor (2007, pp. 425-427) suggest that although all character traits may be morally significant, an agent is worthy of praise or blame only for traits formed through the exercise of directly free agency. So, because agents do not deserve praise or blame for non-voluntarily acquired character traits, there is no direct constitutive moral luck.

*Rejoinder:* The main problem with the Indirect Strategy is that it is unable to eliminate all kinds of moral luck. In particular, the Indirect Strategy eliminates no indirect constitutive moral luck, and it eliminates some but not all circumstantial moral luck.

In order to eliminate indirect constitutive moral luck, the possible constitutive properties which are actual must be irrelevant to moral responsibility. So, moral responsibility for actual actions must be morally on par with moral responsibility in virtue of counterfactual free acts influenced by counterfactual character traits.<sup>30</sup> But to act freely in the indirect way, the agent must be ultimately responsible for the character that determines her act. How might an agent be ultimately responsible for her *counterfactual* character traits? An agent cannot be morally responsible for her counterfactual character through having performed past *actual directly free* acts, because past actual directly free actions can have cultivated only actual character. The other option is to have cultivated counterfactual character by having performed past *counterfactual directly free* actions. But this latter option requires that there are true counterfactuals of direct libertarian freedom—the very commitment we are trying to avoid. As a result, one is not morally responsible in virtue of the counterfactual indirectly free act that issues from counterfactual character on the assumption that counterfactuals of direct libertarian freedom are never true. As a result, the Indirect Strategy rules out no instance of indirect constitutive moral luck without the metaphysically contentious commitment.

Is this a bad result? Enoch and Marmor (2007, p. 426) appear to think that there is no distinct problem of indirect constitutive moral luck: “if direct constitutive moral luck can be plausibly denied, the indirect version ceases to be a matter of concern.” But they do not offer an argument for that assertion, and there is reason to reject it. For circumstantial and indirect constitutive luck both concern a feature of an agent’s situation that is outside her control. The only difference between them is that the feature in circumstantial luck is external to the agent, and the feature of indirect constitutive luck is internal to the agent. Given the strong similarity

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<sup>30</sup> We need not include counterfactual acts influenced by *actual* character traits, because this is primarily the domain of circumstantial luck.

between circumstantial and indirect constitutive moral luck regarding an agent's situation outside of her control, if LFMR should rule out circumstantial moral luck, it should also rule out indirect constitutive moral luck—unless there is a significant difference between external and internal features of a situation. One possible proposal for that difference is that moral evaluation of character is not luck-free. But Enoch and Marmor cannot go down that path, because they explicitly argue that there is no extant direct constitutive moral luck. Thus, Enoch and Marmor seem to be committed to ruling out indirect constitutive moral luck but cannot do so on the Indirect Strategy.

Furthermore, while the Indirect Strategy eliminates some circumstantial moral luck, it cannot eliminate all of it. To entirely eliminate circumstantial moral luck, it must be the case that moral responsibility for actual free acts is morally on par with moral responsibility in virtue of counterfactual free acts with actual character, because this makes which circumstances are actual irrelevant to moral responsibility. Recall that an agent's actual character determines which counterfactuals of indirect libertarian freedom are true.<sup>31</sup> Since actual circumstances shape which character traits an agent freely develops, her actual circumstances partially determine which subset of indirectly free counterfactual acts in virtue of which she is praiseworthy and blameworthy. Thus, while true counterfactuals of indirect libertarian freedom eliminate some circumstantial moral luck, they cannot eliminate all of it.

One might think that Peels's moderate LFMR is able to escape this objection, because it delimits the counterfactuals which are relevant to moral assessment to those with antecedents that could easily have occurred in the actual world. Nevertheless, at least some circumstantial

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<sup>31</sup> Enoch and Marmor (2007, p. 429) acknowledge that the character traits (or parts of character traits) for which one is morally responsible can be metaphysically vague. Insofar as it is vague whether a character trait is formed through directly free acts, it is also vague whether the agent is praiseworthy or blameworthy in virtue of the indirectly free counterfactual act that issues from it.

luck affects Peels's LFMR, because there are some circumstances such that (i) the agent could easily have been in them and (ii) the character for which she is ultimately responsible does not determine what action she would perform. So, the Indirect Strategy does not allow enough counterfactuals of freedom to be true in order to eliminate the influence of circumstantial luck on an agent's praiseworthiness and blameworthiness.

In summary, each counterfactual candidate is either metaphysically contentious, morally implausible, or not moral luck-free, and so none of them are acceptable replacements for counterfactuals of direct libertarian freedom. But then, LFMR is saddled with the skeptical cost if there are no true counterfactuals of direct libertarian freedom. In the next section, I offer a pragmatic argument to motivate a commitment to moral luck.

#### *A Pragmatic Consideration*

One motivation to affirm extant moral luck is analogous to a consideration that motivates John Martin Fischer to be a compatibilist. For Fischer (2007, pp. 46-48), an attractive feature of compatibilism is that it allows his beliefs and practices about being morally responsible to be resilient in the face of epistemically possible future empirical discoveries:

The assumption that we human beings – most of us, at least – are morally responsible agents (at least sometimes) is extremely important and pervasive. In fact, it is hard to imagine life without it. ... A compatibilist need not give up this assumption, even if he were to wake up to the headline, 'Causal Determinism is true!' (and he were convinced of its truth). ... A compatibilist need not 'flip-flop' in this weird and unappealing way. ... Again, a compatibilist's view of human beings as (sometimes) both free and morally responsible agents is *resilient* to the particular empirical discovery that causal determinism is true.

If incompatibilism is true and causal determinism obtains, no one is morally responsible for anything. So, if physicists confirm that causal determinism is true beyond the shadow of a doubt,

one who affirms incompatibilism would have to relinquish her cherished responsibility-relevant beliefs, her justification for holding others morally responsible, and perhaps also her practices of holding others morally responsible.

The LFMR theorist is in a position analogous to the incompatibilist. For if LFMR is true and there are no true counterfactuals of direct libertarian freedom, then responsibility skepticism follows. As such, the responsibility-relevant beliefs and practices of the LFMR theorist are not resilient to epistemically possible future metaphysical discoveries. For one future morning, I might open up an issue of the *Philosophical Review* and read a new argument by Robert Adams that definitively shows that counterfactuals of direct libertarian freedom are never true. If I endorse LFMR, then my responsibility-relevant beliefs and justification for holding others morally responsible would have to “flip-flop” in that unappealing way that Fischer describes. But a belief in the existence of moral luck makes one’s responsibility-relevant beliefs and practices resilient to such future discoveries.<sup>32</sup> While this pragmatic consideration is not an argument for extant moral luck, it provides motivation for holding the view. And at the very least, it may be a catalyst the LFMR theorist to reassess her confidence in LFMR. In particular, if the LFMR theorist is more confident that we are morally responsible agents *than* that LFMR is true *and* there are true counterfactual of direct libertarian freedom, this may motivate a new inquiry as to whether luck is irrelevant to moral responsibility.

### *Conclusion*

I offered several kinds of arguments against LFMR. In particular, I attempted to demotivate LFMR by arguing that considerations of fairness do not require adopting it. The subsequent

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<sup>32</sup> It does not follow that a proponent of moral luck must be a compatibilist. There might be additional considerations that rule out compatibilism but allow for extant moral luck of various kinds.

arguments may be represented as a dilemma. On the one hand, suppose that there *are* true counterfactuals of direct libertarian freedom to make moral responsibility luck-free. In that case, I offered several moral arguments that highlight LFMR's counterintuitive features and that reduce it to absurdity. On the other hand, suppose that there are *no* true counterfactuals of direct libertarian freedom to make moral responsibility luck-free. In that case, responsibility skepticism follows. This skeptical cost cannot be avoided by reformulating LFMR with a different kind of counterfactual of freedom. Additionally, considerations analogous to Fischer's motivation for being a compatibilist motivate a commitment to moral luck. I conclude that there are ample reasons to reject LFMR and that the way is cleared to pursue other projects in a systematic defense of moral luck.<sup>33</sup>

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<sup>33</sup> I am grateful for comments on some version of this essay from Joel Archer, Donald Bungum, John Greco, Daniel Haybron, Brandon Rdzak, Eleonore Stump, and Jeremy Skrzypek. I am also thankful for questions from audience members at the ninth Felician Ethics Conference.

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