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Against the Character Solution to the Problem of Moral Luck

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ABSTRACT

One way to frame the problem of moral luck is as a contradiction in our ordinary ideas about moral responsibility. In the case of two identical reckless drivers where one kills a pedestrian and the other does not, we tend to intuit that they are and are not equally blameworthy. The Character Response sorts these intuitions in part by providing an account of moral responsibility: the drivers must be equally blameworthy, because they have identical character traits and people are originally praiseworthy and blameworthy in virtue of, and only in virtue of, their character traits. After explicating two versions of the Character Response, I argue that they both involve implausible accounts of moral responsibility and fail to provide a good solution to the problem of moral luck. I close by noting how proponents of moral luck can preserve a kernel of truth from the Character Response to explain away the intuition that the drivers are equally blameworthy.

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1. Introduction

One way to frame the problem of moral luck is as a contradiction in our ordinary ideas about moral responsibility. For example, two agents drive recklessly around a kerb in the same way, and one but not the other kills a pedestrian. On the one hand, we intuit that the killer driver deserves more blame than the merely reckless driver, because only the killer driver causes the death of a pedestrian. On the other hand, we intuit that the drivers are equally blameworthy, because luck cannot even partially determine the degree of an agent's blameworthiness. So, in terms of this example, the problem of moral luck is that we intuit that the drivers are and are not equally blameworthy. This is a case of luck in results; we have similar contradictory intuitions to cases of luck in circumstance and character as well.

The Character Response to the problem of moral luck is roughly that, because people are originally praiseworthy and blameworthy in virtue of, and only in virtue of, their good and bad character traits, the drivers must be equally blameworthy due to their identical bad character [Richards 1986; Thomson 1989; Rescher 1990; Pritchard 2006; Peels 2015]. Subsequently, proponents of this response offer an error theory for

the intuition that the killer driver is more blameworthy. Even though the basic Character Response has been proposed several times in the last few decades, it has yet to receive sustained critical appraisal.¹

I argue against the Character Response. In section 2, I explicate two versions of the Character Response, and, in the process, I also lay out Thomas Nagel's [1979: 28] taxonomy of resultant, circumstantial, constitutive, and causal moral luck.² In sections 3 and 4, I argue that each version of the Character Response is problematic for two reasons. Their underlying accounts of moral responsibility are subject to difficulties, and, contrary to appearances, they do not offer good solutions to the problem of moral luck. In section 5, I show how proponents of moral luck can preserve a kernel of truth from the Character Response.

2. The Character Response

Various philosophers offer the Character Response as part of a solution to the problem of moral luck. Here are a few representative descriptions:

The difference between the would-be thief who lacks opportunity and his cousin who gets and seizes it is not one of moral condition (which, by hypothesis is the same on both sides); their moral *record* may differ, but their moral *standing* does not. ... The difference at issue is not moral but merely epistemic [Rescher 1990: 12–13].

The moral records of [Judges] Actual and Counterfactual are different: one took a bribe and the other did not. Moreover, they are not similarly culpable: one is guilty of bribe-taking and the other is not. But do we regard Actual with a moral indignation that would be out of place in respect to Counterfactual? I hardly think so ... Would you have God throw Actual into a deeper circle of hell than Counterfactual? That would be rank injustice in Him ... [Thomson 1989: 214–15].

I submit that Karl is blameworthy for being such that he would betray a Jew if he knew where one was hiding, and that he is blameworthy for that to the same degree as Heinrich is for being such that he would betray a Jew if he knew where one was hiding *and* for actually betraying a Jew [Peels 2015: 80].

Even though there are important differences between the views of these theorists, their most basic position appears to be the same—namely, that a person deserves a degree of praise and blame in virtue of, and only in virtue of, features of her character. The person who steals deserves no more or less blame than a person with the same character who would have stolen in that circumstance; two judges with identical corrupt character are equally blameworthy even though only one of them takes a bribe; Karl is just as blameworthy as Heinrich precisely because Karl's character is also such that he would have betrayed a Jewish person if he had the opportunity.³

The Character Response appears to be a moderate anti-luck position in part because it implies that a certain kind of resultant moral luck does not exist. *Resultant moral luck*

¹ Several philosophers offer the brief criticism that the Character Response is unsatisfying, because it does not eliminate moral luck but dumps all moral luck into the agent's character [Moore 1997: 57; Latus 2000: 154–8; Enoch and Marmor 2007: 431–2; Anderson 2012: 62–70; Rosell 2015: 119–21; Hartman 2017: 75–9, forthcoming b].

² The term 'resultant luck' is from Zimmerman [1987: 376], and 'causal luck' is from Statman [1993: 11]. See Sartorio [2019] for an explication of this taxonomy.

³ It is important to distinguish this approach from a more radical subjunctive conditional-based solution to the problem of moral luck such as Zimmerman's [2002] view. Elsewhere [2017: 71–82], I argue that Zimmerman is committed to true subjunctive conditionals of libertarian freedom that are not grounded in the agent's character.

occurs when an agent performs an action or omission with a consequence that is at least partially beyond her control,⁴ and that consequence positively affects her praiseworthiness or blameworthiness.⁵ By ‘positively affects’, I mean that the luck at issue does not undermine praiseworthiness or blameworthiness. Recall the example of the two reckless drivers. According to the Character Response, both drivers deserve the same degree of blame in virtue of, and only in virtue of, their identical bad character. But then the consequence of the agent’s choice, even if it is the kind of consequence that the agent could reasonably have been expected to foresee, does not itself affect her degree of praiseworthiness or blameworthiness.

The Character Response also implies that a certain kind of circumstantial moral luck does not exist. *Circumstantial moral luck* occurs when it is outside the agent’s control whether she faces a morally significant challenge or opportunity, and it positively affects her praiseworthiness or blameworthiness. To borrow Thomson’s example, both judges deserve the same degree of blame for their identical bad character, because it is only the agent’s character that determines her degree of praiseworthiness or blameworthiness. The agent’s character being manifested in action does not itself affect her degree of praiseworthiness or blameworthiness.

Whether the Character Response eliminates constitutive and causal moral luck depends on whether an agent must have voluntarily acquired the character in virtue of which she deserves praise and blame.

On the one hand, Norvin Richards [1986: 202] thinks that such character must be voluntarily acquired. Refer to his view as *the Voluntarist Character Response* (VCR), and consider how it rules out certain kinds of constitutive moral luck. *Constitutive moral luck* occurs when an agent’s dispositions or capacities are not voluntarily acquired, and they positively affect her praiseworthiness or blameworthiness for a character trait or an action. VCR eliminates at least many kinds of constitutive moral luck, because agents are not praiseworthy or blameworthy in virtue of non-voluntarily acquired character trait parts; and agents are not derivatively praiseworthy or blameworthy for actions that exclusively issue from non-voluntarily acquired character traits. Whether VCR is compatible with causal moral luck depends on further specification of the view. *Causal moral luck* occurs when the laws of nature and past states of affairs that are outside of a person’s control causally determine what she does, and thereby positively affect her praiseworthiness or blameworthiness. VCR would rule out causal moral luck if the relevant kind of voluntary contribution to character requires indeterminism, because such contributions would not be causally lucky. But if the relevant kind of voluntariness does not require indeterminism, then VCR is compatible with causal moral luck.

On the other hand, Nicholas Rescher [1990: 14] and Judith Jarvis Thomson [1989: 215–17] do not think that the character in virtue of which a person deserves praise and blame must be voluntarily acquired, and we may refer to their view as *the Non-Voluntarist Character Response* (NVCR).⁶ NVCR allows for the existence of

⁴ Elsewhere [2017: 23–31], I argue that we should use the lack of control conception of luck in the moral luck debate (see also Anderson [2019] and Statman [2019]). For explications and defences of various conceptions of luck, including the lack of control account, see Church and Hartman [2019].

⁵ Moral luck is often defined in a broader way such that it occurs when luck affects a person’s *moral status* [Nagel 1979: 26; Anderson 2011: 373; Hanna 2014: 683]. Philosophers writing on moral luck, however, tend to focus on the moral status of deserved praise and blame. For simplicity, I have defined moral luck to focus on this moral status.

⁶ Neither Pritchard [2006] nor Peels [2015] take up this question, but their views appear to align best with the Rescher/Thomson view.

both constitutive and causal moral luck, because the agent can deserve praise and blame in virtue of non-voluntarily acquired parts of her character; she may also be causally determined to have that kind of character.

It is worth mentioning that VCR and NVCR do not rule out a *diachronic* kind of circumstantial moral luck.⁷ Consider Nagel's [1979: 26] classic case:

Someone who was an officer in a concentration camp might have led a quiet and harmless life if the Nazis had never come to power in Germany. And someone who led a quiet and harmless life in Argentina might have become an officer in a concentration camp if he had not left Germany for business reasons in 1930.

Diachronic circumstantial luck inevitably shapes the Nazi's and the Argentine's characters in different ways, because their differing kinds of circumstances elicit different kinds of actions, and those different kinds of actions shape their character in qualitatively different ways over time. In such cases, the Nazi's and the Argentine's characters are not held fixed in our evaluation of them, and so neither Character Response would evaluate them in the same way. Furthermore, NVCR allows *diachronic* resultant moral luck to exist, because the results of the killer driver's action, for example, can affect her character over time. In the usual case, causing the death of a pedestrian shatters a person's positive self-image, alienates her from herself, and stigmatizes her as a killer, and these properties significantly affect the way in which her character develops through time.

VCR and NVCR offer anti-luck solutions of various strengths to the problem of moral luck, because they do not allow luck to differentiate how much praise or blame the agents deserve in many of the standard case pairs, and yet they do not collapse into the sceptical view that no one is morally responsible for anything.

Proponents of both responses offer error theories (explanations for why we have intuitions that are consistent with their errant status) for the intuitions involved in affirming resultant and circumstantial moral luck. For example, Norvin Richards [1986: 201] and Nicholas Rescher [1990: 16] suggest that the relevant intuitions confuse greater evidence of an agent's blameworthiness with that agent's being more blameworthy. After all, the killer driver's reckless character is more evident to others than the merely reckless driver's character is, due to the display of killing the pedestrian. Additionally, Rescher [1990: 18n15] suggests that relevant intuitions conflate legality and morality. The error comes from inferring the claim that the killer driver is more blameworthy from the claim that the killer driver merits more severe legal punishment. Peels [2015: 74–5], Richards [1986: 203–4], and Thomson [1989: 208–11] suggest that there is confusion about what events people are responsible for and how much blame they deserve (see also Zimmerman [2002]). On their view, the killer driver is responsible for more things than the merely reckless driver is—namely, the death of the pedestrian—but they deserve the same degree of blame. These error theories need not be in competition with one another, because there might be a multi-sourced confusion in the resultant and circumstantial moral luck intuitions.⁸

⁷ For more on this distinction between synchronic and diachronic luck, see Hales [2016: 502–5] and Hartman [2017: 135–9].

⁸ These error theories increase the plausibility of the Character Response in a supplementary way by explaining why there is a problem of moral luck to solve in the first place; they do not provide much evidence for the view on their own (see Statman [2005] and Guttel and Enoch [2010]).

Over the next two sections, I argue that both Character Responses are problematic as accounts of moral responsibility and as good solutions to the problem of moral luck.

3. Against the Non-Voluntarist Character Response

The account of moral responsibility in NVCR is that a person is originally praiseworthy or blameworthy in virtue of, and only in virtue of, a good or bad character trait; whether the character trait is voluntarily acquired is *irrelevant* to her overall degree of praiseworthiness and blameworthiness. As Rescher [1990: 14] writes, ‘For in such a case it is exactly his [avaricious] disposition that condemns him. (The fact that he did not come by his disposition by choice is immaterial ...).’ One might think that I should characterize NVCR in a more minimal way such that voluntary contribution is merely not necessary for praiseworthiness or blameworthiness instead of being irrelevant to them. The non-necessary claim is compatible with agreeing that degree of voluntary acquisition can affect how much praise or blame a person deserves for a character trait (cf. Smith [2005: 268]). The problem with the conjunction of the non-necessary claim and the claim about how degree of voluntary contribution can affect degree of praiseworthiness and blameworthiness is that they make NVCR vulnerable to synchronic circumstantial moral luck. After all, NVCR implies that agents can be only derivatively praiseworthy and blameworthy for actions that manifest character. If derivative praiseworthiness and blameworthiness can increase the agent’s overall degree of praiseworthiness and blameworthiness, she would be more praiseworthy or blameworthy for performing an action that manifests a certain character trait than she would be if she had no opportunity to perform such an action. But since such opportunities often involve circumstantial luck, this view would imply the existence of synchronic circumstantial moral luck: for example, the bribe-taker would be more blameworthy overall than the mere would-be bribe-taker, because the bribe-taking would increase her overall degree of blameworthiness. But since proponents of NVCR find existing synchronic circumstantial moral luck to be unacceptable, we should retain the characterization of NVCR that an agent’s degree of voluntary contribution to her character is irrelevant to her degree of praiseworthiness and blameworthiness.

There are various objections to this account of moral responsibility in the literature,⁹ but the objection that I want to press is that NVCR cannot make the highly intuitive distinction between being bad and being blameworthy (cf. Levy [2005]; Waller [2015]). To see why, consider the following thought experiment. Jim is a rare saint. He has gone through the arduous process of acquiring all of the moral virtues. But Jim has bad luck. A nefarious neurosurgeon has chosen Jim on the basis of a lottery to be the subject of his value-transplant experiment. He kidnaps and experiments on Jim with the result that although Jim keeps all of his old memories and skills, he has

⁹ Here are three of them. First, NVCR implies that agents are not morally responsible for out-of-character actions. But since it is intuitive that agents can be morally responsible for out-of-character actions, NVCR is implausible, or so the objection goes. See Hartman and Matheson [manuscript] for clarification and assessment of this objection. Second, NVCR implies that agents are blameworthy for bad features of character that never manifest in action. And because there are some circumstances in which every person would perform any bad action given our fragmented characters, we all end up being as blameworthy as moral monsters, which is a counterintuitive implication [Sher 2006: 26–7]. Third, NVCR implies that an agent is blameworthy for a particular bad character trait as long as she has it. But then, because a person might be blamed for her bad character and yet retain it, she would deserve double (or triple, quadruple, and so on) the blaming or punishing responses that we intuitively think that she deserves [Moore 1997: 587].

a new set of values—namely, all of the moral vices.¹⁰ As a result, Jim finds himself wanting to do all kinds of nasty things to others and would act on these desires if he had the opportunity and if there would not be too much blowback. Clearly, Jim's new character is bad character. He went from being a good person to a bad person through no fault of his own.¹¹ In my view, this moral judgment is exactly right. But NVCR implies also that Jim went from being very praiseworthy to being very blameworthy through no fault of his own, which is very counterintuitive.¹² In fact, NVCR counterintuitively implies even that Jim deserves exactly as much blame as someone who voluntarily acquired all of the same moral vices, because voluntary acquisition of character is irrelevant to degree of blameworthiness. These counterintuitive implications provide a reason to think that the account of moral responsibility presupposed in NVCR is implausible.¹³

Even if this account of moral responsibility were plausible, it still would not offer a good solution to the problem of moral luck, given the parameters intrinsic to the problem. The most fundamental way to formulate the problem of moral luck is in terms of the control required for morally responsible agency, which is how Nagel [1979] describes it:

it is intuitively plausible that people cannot be morally assessed for ... what is due to factors beyond their control [25]. [O]ne cannot be more culpable or estimable for anything than one is for that fraction of it which is under one's control [28].

Everything seems to result from the combined influence of factors, antecedent and posterior to action, that are not within the agent's control [35].

[Thus,] the area of genuine agency, and therefore of legitimate moral judgment, seems to shrink under this scrutiny to an extensionless point [35].¹⁴

In other words, the problem of moral luck is about how the intuitive control condition on moral responsibility threatens to undermine our ordinary beliefs about the scope of morally responsible agency, because who we are, what we do, and what consequences we bring about are always greatly affected by factors outside our control.

A good solution to this problem must show how we can plausibly preserve at least most of our ordinary beliefs about the control condition for moral responsibility and about the scope of the praise and blame that we deserve.¹⁵ If, for example, accepting the intuitive control condition on moral responsibility leads to moral responsibility scepticism, this would not be a solution to the problem but instead a capitulation, because this acceptance would accommodate our common-sense beliefs about the

¹⁰ If personal identity cannot survive such a dramatic transformation, swap a single virtue for a single vice.

¹¹ If a person's being a bad person is her own fault, then she may be blameworthy for being bad. My point is only that badness of character does not imply blameworthiness for character.

¹² Contrary to what Russell [2017: 168–82] would suggest, the intuition is not merely that the evil neuroscientist cannot rightly blame Jim for having moral vices, but that no one can (cf. Pereboom [2014]).

¹³ The proponent of NVCR might appeal to various historical restrictions on moral responsibility in an attempt to circumvent this manipulation argument (see, for example, Mele [1995: 166–72, 2006: 166–70], Fischer and Ravizza [1998: 207–39], and Haji and Cuypers [2007]). One initial problem with this approach is that each of these conditions on moral responsibility applies to accounts that require a certain kind of control to be originally morally responsible for an action. But since NVCR has no control condition on its object of original moral responsibility, it is unclear how these historical restrictions could be motivated with such an account.

¹⁴ Nagel [1979: 34] does not endorse this argument but accepts a paradox.

¹⁵ Some philosophers think that the problem of moral luck is a pseudo-problem based on an inadequate definition of luck [Pritchard 2006; Hales 2015]. Elsewhere [2017: 23–31], I argue against this view (see also Anderson [2019] and Statman [2019]).

control condition on moral responsibility at the expense of our common-sense beliefs about the scope of morally responsible agency. Here, then, are two mutually exhaustive kinds of solution:

Luck-Free Solutions adopt the Nagelian control condition, according to which luck is irrelevant to moral responsibility. A success condition for this kind of solution is to explain how adopting the luck-free control condition does not lead to moral responsibility scepticism.

Moral Luck Solutions reject the Nagelian control condition and allow at least some kinds of luck to affect how much praise and blame people deserve. Success conditions for this kind of solution include explanation of (i) how the revised condition does not lead to moral responsibility scepticism, (ii) why the revised control condition is the one about which we have always cared, and (iii) how we could have confused it with Nagel's control condition.

According to this characterization, NVCR is an instance of the Moral Luck Solution, because it permits the existence of at least constitutive and causal moral luck. It is important to bear in mind that, although NVCR has particular luck-free implications in cases of synchronic resultant and circumstantial moral luck, it is not a Luck-Free Solution as I have defined it.

Nevertheless, NVCR is not a good solution, because it cannot satisfy the full range of success conditions for a Moral Luck Solution. NVCR does explain how its moral responsibility requirements avoid moral responsibility scepticism and how they could have been confused with Nagel's control condition. The basic idea is that both NVCR's and Nagel's moral responsibility requirements imply that agents in many standard case pairs are equally praiseworthy or blameworthy. For example, the drivers are equally blameworthy, and the corrupt judges are equally blameworthy. Even so, NVCR cannot explain why its moral responsibility requirement is the one about which we have always cared, because NVCR waters down Nagel's control condition to such an extent that it rejects agency as a prerequisite for originaive moral responsibility. In fact, there is no control-relevant restriction on NVCR's fundamental object of moral responsibility! In other words, NVCR implies that the source of the agent's degree of praiseworthiness and blameworthiness is wholly independent of a control-based restriction. For this reason, NVCR cannot explain why we were inclined to care about Nagel's control condition in the first place.

Allow me to emphasize this point as a comparison with a view of moral responsibility that accepts resultant moral luck. Consider that the proponent of resultant moral luck can embrace the following *control principle*: an agent is praiseworthy or blameworthy for something only if it depends on factors under her control (cf. Nelkin [2013]). Someone who thinks that the killer driver is more blameworthy than the merely reckless driver can embrace the control principle, because the killer driver's causing the death of a pedestrian depends on factors within her control (the voluntary choice to drive recklessly) even though it is also affected by factors outside of her control (the spatial location of the pedestrian). So, because the killer driver's consequence satisfies the necessary condition on moral responsibility set out by the control principle, it follows that the control principle is compatible with the judgment that the killer driver is more blameworthy. Notice that NVCR is an account of moral responsibility with a weaker control requirement than the one embraced even by proponents of resultant moral luck, because NVCR implies the denial of the control principle. NVCR implies that it is not the case that an agent is praiseworthy or blameworthy for something only if it depends on something within their control, because NVCR is just the view

that a trait need not depend on something within her control to be praiseworthy or blameworthy in virtue of it. Thus, since this version of the control principle is significantly weaker than Nagel's control principle and NVCR implies the denial of even the weaker control principle, NVCR's moral responsibility requirement is far too weak to explain plausibly why we ever cared about Nagel's control condition.

One might reasonably wonder why we should worry that NVCR is not a good solution given parameters set by the problem of moral luck. After all, every Moral Luck Solution is revisionary to some degree, and if NVCR is the correct account of moral responsibility, then whatever it implies about the problem of moral luck is what we should think about the topic, which may include thinking that those core parameters are mistaken.¹⁶

We should, however, care that NVCR is not a good solution according to criteria intrinsic to the problem of moral luck, because an account of moral responsibility's being able to offer a good solution to the problem of moral luck is a desideratum for a plausible account of moral responsibility. That is, an account's ability to offer a good solution to the problem of moral luck adds a point of plausibility to that account's overall scorecard in comparison with other accounts that cannot offer a good solution. It may turn out that NVCR is the most plausible overall account of moral responsibility despite its faring worse than other accounts with respect to providing a good solution to the problem of moral luck. In that case, whatever NVCR implies about the problem of moral luck is what we should believe about it. Even so, I have pressed a reason to doubt the plausibility of NVCR, and we learn here that NVCR does not get a plausibility point for its scorecard in virtue of its being a good solution to the problem of moral luck, which is itself an important result.

Interestingly, Richards's [1986] VCR avoids both problems. VCR implies that Jim is not blameworthy in virtue of his newfound bad character traits, because he does not voluntarily acquire them. And VCR is consistent with the control principle, because VCR implies that we are morally responsible only for character that depends on exercises of control. Even though VCR is not subject to these problems, it is vulnerable to a new set of difficulties.

4. Against the Voluntarist Character Response

The account of moral responsibility in VCR is that a person is originally praiseworthy and blameworthy in virtue of, and only in virtue of, a character trait that has been enacted and voluntarily acquired [Richards 1986: 202–6]. The enactment condition turns out to be trivial. Richards holds that all character traits are enacted [ibid.: 205–6],¹⁷ and he maintains that desert is determined by the nature of the character trait itself, and not by features of the action that displays it [ibid.: 203–5]. As a result, luck can affect when a person deserves praise and blame for a character trait and in what kind of action it is displayed, but not how much praise and blame the agent deserves overall. Richards [ibid.: 202] puts the voluntariness condition in this way:

¹⁶ I am grateful to David Enoch and an anonymous referee for raising this objection.

¹⁷ A promising objection to the universal satisfaction of the enactment condition is that we have at least some local character traits that are never enacted (see, for example, Doris [2002]). Richards's view, then, would not have the luck-free scope that he thinks it has, and VCR would not fulfil its own aspirations.

But if the individual makes any contribution whatever to the sort of person he is, that contribution can be the basis for his deserving praise or blame for what he does. ... It could be that one's character is shaped entirely by forces beyond one's control. If so, the practice of attributing responsibility is undermined.

More specifically, Richards's view is that agents are praiseworthy or blameworthy for a respectively good or bad character trait in proportion to the degree that the agent has voluntarily contributed to her character.

I contend that VCR's voluntariness requirement creates three potential difficulties for the general account of moral responsibility and has a moderately sceptical implication that is a mark against its being a good solution to the problem of moral luck.

First, VCR may imply that the degree of deserved praise and blame is vague. After all, it might be metaphysically vague what an agent's contribution is to her character [Feinberg 1962: 351; Zagzebski 1994: 408; Enoch and Marmor 2007: 429]: that is, there might not be a part of a character trait that is one's own doing and another part that one is merely lucky to have. But since the voluntariness requirement proportions the degree of praiseworthiness and blameworthiness to the degree of voluntary contribution, the precise degree of praise or blame that an agent deserves would be vague if the degree of the agent's contribution is metaphysically vague.

Second, VCR's voluntariness requirement is unmotivated when considered alongside another part of Richards's account of moral responsibility. Richards [1986: 204–5] endorses the utilitarian proposal that deserving praise and blame amounts to deserving 'encouragement or reconditioning' and 're-educative responses'. Presumably, the rationale for focusing desert of praise and blame on character is to promote the good of everyone, or at least to cultivate the moral agency of the person praised or blamed. This utilitarian proposal, however, makes the voluntariness restriction implausible, because non-voluntarily acquired bad character traits would be worthy of the same reconditioning and educative responses as voluntarily acquired bad character traits. In both cases, those responses would aim to promote the good of everyone, and of the person being praised and blamed. Thus, the voluntariness requirement is unmotivated for Richards.¹⁸

Third, VCR's voluntariness requirement either leads to a vicious regress or abandons the character view of moral responsibility on the assumption that the agent is either derivatively or originally morally responsible for the action that contributes to her character trait and confers to it praiseworthiness or blameworthiness.

On the one hand, suppose that the agent is merely derivatively responsible for the action that contributes to a character trait and confers to it praiseworthiness or blameworthiness. In that case, a person's action A confers praiseworthiness or blameworthiness onto her character trait CT only if A manifests a different character trait CT₁ in

¹⁸ The kind of moral responsibility at stake in the moral luck debate (and the free will debate) is what Pereboom [2014: 2] calls basic desert moral responsibility:

the agent would deserve to be blamed or praised just because she has performed the action [or, in the case of VCR, just because she has a voluntarily acquired character trait] ... and not, for example, merely by virtue of consequentialist or contractualist considerations.

If the Character Response provides necessary and sufficient conditions for a forward-looking kind of moral responsibility—a kind of moral responsibility that was never threatened by Nagel's control condition on moral responsibility—the Character Response would simply miss its target (cf. Levy [2011: 208–11]). In the remainder of this section, I recast VCR as providing necessary and sufficient conditions for basic desert moral responsibility.

virtue of which she deserves praise or blame for A. The problem with this proposal is that it leads to a regress that implies responsibility scepticism. For her to deserve praise or blame for CT₁, there must have been an earlier action A₁ that contributed to having CT₁ and that manifested a different character trait CT₂; the agent must also have been praiseworthy or blameworthy in virtue of CT₂ to be derivatively praiseworthy or blameworthy for A₁. Likewise, to be praiseworthy or blameworthy for CT₂, there must have been an earlier action A₂ that contributed to having CT₂ and that manifested a different character trait CT₃; the agent must also have been praiseworthy or blameworthy in virtue of CT₃ to be derivatively praiseworthy or blameworthy for A₂; and we are off to the races. This sort of regress is problematic precisely because the chain of actions would eventually trace back to character traits to which the agent does not contribute and that provide the background conditions for her first action.¹⁹ In such a case, the agent cannot be derivatively praiseworthy or blameworthy for her first action, because, by hypothesis, the agent has not contributed to the character that gives rise to that action. But then there is no praiseworthiness or blameworthiness to go up the causal chain in the first place. Thus, justifying the voluntariness requirement through derivatively morally responsible actions inevitably leads to moral responsibility scepticism.

On the other hand, suppose that the agent is originally morally responsible for the action that contributes to a character trait and that confers to it praiseworthiness or blameworthiness. Such a proposal would straightforwardly explain why people are morally responsible for character only if it is cultivated through voluntary actions, because we are originally praiseworthy or blameworthy only for our actions and such actions confer derivative praiseworthiness and blameworthiness to the character traits to which they contribute. But this proposal amounts to the categorical rejection of Richards's account of moral responsibility and his anti-circumstantial moral luck position. His view is that we are originally morally responsible in virtue of character and derivatively morally responsible in virtue of actions. And the bribe-taker would be more blameworthy overall than the mere would-be bribe-taker, even though they have the same bad character, because only the bribe-taker performs a blameworthy action and people are originally praiseworthy and blameworthy in virtue of their actions.

The proponent of VCR might want to reject the assumption that generates the dilemma. In that case, the voluntary action's contribution to a character trait would be a mere constitutive condition on moral responsibility for that character trait. An agent need not be morally responsible for the voluntary action, because the action would not itself confer moral responsibility to the character trait.²⁰ A lingering worry about this view is that of whether it can be motivated. If voluntary actions confer praiseworthiness and blameworthiness to character traits, it is obvious why the proponent of the Character Response would embrace the voluntariness requirement. But if the actions that contribute to character are not sufficient to confer praiseworthiness and blameworthiness to them, why should we think that the voluntariness requirement is true? It is noteworthy that philosophers attracted to a character view of moral

¹⁹ An anonymous referee asks why the regress cannot go on infinitely within a finite period of an agent's life. The regress in this argument requires there to be changes to one's dispositions between actions. If the process of performing an action and modifying one's dispositions takes a non-negligible amount of time—and this seems like a very plausible position—we will not have an infinite number of such actions in a finite amount of time.

²⁰ I thank Caroline Touborg for pressing me to address this option.

responsibility tend to argue against control-based accounts of moral responsibility (see, for example, Smith [2005] and Sher [2006]).

Even if VCR were a plausible account of moral responsibility, it still would not offer a satisfying solution to the problem of moral luck, because it is a moderately sceptical view. If we are morally responsible for our character to the degree that it is voluntarily acquired and if we have very little voluntary control over our character, we would be morally responsible for very little. Without exploring the empirical question of exactly how much control we have over our character, it seems uncontroversial to say that we do not have a lot of control over our character. We do not, for example, have *direct* control. We cannot just decide to be more compassionate or less jealous, and thereby become more compassionate or less jealous in that instant. Particular character traits may, however, be within our *indirect* control, because we can influence our character traits to various degrees by performing certain kinds of actions and can foresee the basic morally significant features of the consequences of those actions (see Hartman [forthcoming a]). Some ways to foreseeably influence character include going to therapy, reading biographies of virtuous people, surrounding ourselves with virtuous people, setting goals, virtue-labelling ourselves, nudging ourselves, intentionally selecting our circumstances, reflecting to become more aware of our motivations, joining a religious community, or asking for divine help (see Miller [2018: 169–254]). Still, it should be emphasized that changing character is taxing and often unsuccessful; think, for example, about the massive number of failed New Year's resolutions each February. And for people who do successfully implement some changes, it seems plausible that they cannot intentionally change many features of their character even over the course of a single year given limited resources of time, effort, and opportunity. As a result, broad portions of character turn out to be not within our indirect control. It seems to follow, then, that VCR collapses into at least a moderate form of responsibility scepticism, which is a mark against it as good solution to the problem of moral luck.

5. The Insightfulness of the Character Response

If my arguments are on track, NVCR and VCR face real difficulties. One might infer from those difficulties that the Character Response has no insight to offer for a solution to the problem of moral luck. I, however, think that the Character Response contains a kernel of truth, and is part of a promising error theory for the intuitions that, for example, the drivers are equally blameworthy, and the judges are equally blameworthy.

John Greco [1995] and I [2017: 118–45] offer an error theory that involves distinguishing between two common-sense modes of moral evaluation. *Person-level evaluation* is about whether someone is a good or a bad person. The object of person-level evaluation is the agent's character, and, as we observed in a previous section, character evaluation has various luck-free implications. It follows that the two drivers are equally bad as persons, and the two judges are equally bad as persons—at least if their character is evaluated synchronically. *Responsibility-level evaluation* is about whether someone deserves praise and blame for her voluntary choices and their actual consequences that were reasonably foreseeable. On our view, responsibility-level evaluation can be morally lucky in various ways. For example, the killer driver deserves more blame than the merely reckless driver, and the bribe-taker deserves more blame than the mere would-be bribe-taker.

With this distinction in hand, we can explain why the errant intuitions are so prevalent. We mistakenly infer *from* the claim that each driver is no worse a person than the

other *to* the claim that each driver is no more blameworthy than the other. And we errantly infer *from* the claim that each judge is no worse a person than the other *to* the claim that each judge is no more blameworthy than the other. But these inferences are mistaken, because being a bad person in a particular way leaves open the question of whether one is blameworthy for being bad in that way and to what extent. After all, being a good or bad person is about the agent's character, and being praiseworthy or blameworthy is about being accountable for one's voluntary choices and their actual outcomes that were reasonably foreseeable. Once we pry apart these two kinds of common-sense moral evaluation that the Character Response collapses into each other, we can see the way in which the problem of moral luck arose in the first place; our contradictory intuitions are about two different kinds of common-sense moral evaluation that are easily confused with each other. There is, of course, more to say about this proposal (see Greco [1995] and Hartman [2017: 118–45]). The point here is just that there is a kernel of truth in the Character Response that can be used in a plausible error theory for the errant intuitions.

6. Conclusion

The Character Response to the problem of moral luck has been offered several times over the last few decades [Richards 1986; Thomson 1989; Rescher 1990; Pritchard 2006; Peels 2015], and, until this paper, it has largely gone unchallenged. I have argued that NVCR and VCR are subject to difficulties both as accounts of moral responsibility and as good solutions to the problem of moral luck, but that there is a kernel of truth in the Character Response.

This paper is part of a larger project in defence of moral luck. In various places, I argue that extant moral luck is plausible in part by arguing against views that deny certain kinds of moral luck including the Sceptical View (see Hartman [2017: 42–59, 2018]), Counterfactual View (see Hartman [2017: 60–89, forthcoming b]), and Asymmetry View (see Hartman [2017: 90–145, forthcoming b]). If my arguments here show that the Character View is also implausible, this result would add even more weight to my cumulative case for the existence of resultant, circumstantial, and constitutive moral luck, because yet another way to deny certain kinds of moral luck would turn out to be implausible.²¹

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