

## KANT DOES NOT DENY RESULTANT MORAL LUCK

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**Abstract:** It is almost unanimously accepted in the moral luck literature that Kant denies resultant moral luck—that is, he denies that the lucky consequence of a person’s action can affect how much praise or blame she deserves. Philosophers often point to the famous good will passage at the beginning of the *Groundwork* to justify this claim. I argue, however, that this passage does not support Kant’s denial of resultant moral luck. Subsequently, I argue that Kant allows agents to be morally responsible for certain kinds of lucky consequences. Even so, I argue that it is unclear whether Kant ultimately endorses resultant moral luck. The reason is that Kant does not write enough on moral responsibility for consequences to determine definitively whether he thinks that the lucky consequence for which an agent *is* morally responsible can add to her degree of praiseworthiness or blameworthiness. The clear upshot, however, is that Kant does not deny resultant moral luck.

It is orthodoxy in the moral luck literature to claim that Immanuel Kant denies resultant moral luck (see, for example, Fischer 2006: 118; Latus 2003: 462; Nagel 1979: 24; Rescher 1990: 12; Rivera-López 2016: 416; Slote 1994: 400; Statman 2015: 132; Thomson 1989: 211; Williams 1981: 38; 1985: 195). *Resultant moral luck* occurs when an agent performs an action or omission with consequences that are at least partially beyond her control and those consequences positively affect her degree of praiseworthiness or blameworthiness.<sup>1</sup> Consider how this definition applies to a concrete case. Two identical reckless drivers manage their vehicles in the same way, and one but not the other kills a pedestrian due to a pedestrian’s being on the road in only one case. If the reckless drivers are equally

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<sup>1</sup> There five things to note about this definition. First, resultant moral luck is only one of four kinds of moral luck from Nagel’s (1979: 28) famous taxonomy. The other three kinds are circumstantial, constitutive, and antecedent moral luck; see Sartorio (2019) for an explication of them. Second, some philosophers define moral luck more broadly as luck affecting an agent’s moral status (Anderson 2011: 373; Nagel 1979: 26; Hanna 2014: 683). I consider and reject this definition later in the paper. Third, the conception of luck in this definition of moral luck is the lack of control conception; elsewhere, I defend using this conception of luck when thinking about moral luck (see Hartman 2017: 23–31; for further defense, see Anderson 2019; Statman 2019; cf. Riggs 2019). Fourth, by ‘positively affect’, I mean that the luck at issue does not undermine moral praiseworthiness or blameworthiness; this part of the definition is in keeping with Nagel’s (1979: 26) use of ‘moral luck’. Fifth, the term “resultant luck” is from Zimmerman (1987: 376).

blameworthy, then resultant moral luck does not exist in this case, because luck in consequences do not affect how much praise or blame a person deserves.

Why does Kant have this anti-resultant moral luck reputation? Thomas Nagel (1979: 24) begins his celebrated article on moral luck by quoting the following passage from Kant's *Groundwork* to demonstrate his denial of resultant moral luck:<sup>2</sup>

A good will is not good because of what it effects or accomplishes, because of its fitness to attain some proposed end, but only because of its volition, that is, it is good in itself and, regarded for itself, is to be valued incomparably higher than all that could merely be brought about by it in favor of some inclination and indeed, if you will, of the sum of all inclinations. Even if, by a special disfavor of fortune ... this will should wholly lack the capacity to carry out its purpose—if with its greatest efforts it should yet achieve nothing and only the good will were left (not, of course, as a mere wish but as the summoning of all means insofar as they are in our control)—then, like a jewel, it would still shine by itself, as something that has its full [moral] worth in itself. Usefulness or fruitlessness can neither add anything to this [moral] worth nor take anything away from it (Kant 1996a: 50, 4:394).<sup>3</sup>

Let us refer to this passage as the 'the jewel passage'.<sup>4</sup> Other philosophers also quote the jewel passage as a proof-text for Kant's denial of resultant moral luck precisely because they believe it to show that Kant thinks that consequences are morally irrelevant (see, for example, Athanassoulis 2005: 105; Crisp 2017: 4-5; Khoury 2018: 1369; Statman 2015: 132; Vaida 2014: 124). Appeal to the jewel passage provides a good explanation for the pervasiveness of Kant's anti-resultant moral luck reputation, because the jewel passage is one of the most famous passages in the *Groundwork* and the *Groundwork* is perhaps Kant's most widely read book in moral philosophy.

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<sup>2</sup> Bernard Williams (1981: 20-21) also begins his celebrated article on moral luck by referencing Kant's anti-luck moral philosophy, but does not quote this passage.

<sup>3</sup> References to Kant are given first by translation and page number separated by a colon, and then by the Akademie edition following a comma.

<sup>4</sup> I follow Lockhart (2015: 252) in doing so.

But for the jewel passage unequivocally to support Kant's denial of resultant moral luck, two claims must be true. First, moral worth evaluation must stand in some important relation to moral responsibility evaluation, because, as I have defined it, whether resultant moral luck exists is about whether the consequences of an action can increase the degree of praise or blame an agent deserves. Second, the moral irrelevance of consequences must generalize beyond actions done with a good will. The earlier reckless driver example includes people not acting with a good will. Nagel (1979: 24) explicitly makes this generalization: "He [Kant] would presumably have said the same about a bad will: whether it accomplishes its evil purposes is morally irrelevant."

Contrary to his reputation, I argue that Kant does not deny resultant moral luck. I begin by arguing that the jewel passage does not support reading Kant as denying resultant moral luck, because moral worth evaluation, the kind of moral evaluation at stake in this passage, is plausibly not the same as moral responsibility evaluation. Subsequently, I contend that even if moral worth evaluation is related to moral responsibility evaluation in such a way that we can draw good inferences from the jewel passage to whether resultant moral luck exists in at least certain cases, the jewel passage still does not support Kant's general anti-resultant moral luck reputation; Kant's view of moral responsibility for consequences is much more complicated than the jewel passage indicates. In other passages, Kant explicitly allows agents to be morally responsible for certain kinds of consequences such as bad consequences following a blameworthy action, and he allows factors outside of their control to influence the consequences for which they are morally responsible. Nevertheless, it does not follow from Kant's assertion that agents are morally responsible for at least some lucky consequences that Kant also thinks that those lucky consequences can add to the agent's overall degree of praiseworthiness or blameworthiness. So, we do not yet have an argument that Kant affirms resultant moral luck, because resultant moral luck occurs only when lucky consequences affect how much praise or blame the agent deserves. As it happens, Kant's terse

remarks about moral responsibility for consequences do not provide enough data to make a confident judgment about whether he allows lucky consequences to affect how much praise or blame the agent deserves, even though one passage provides modest support for his accepting resultant moral luck. The clear upshot, however, is that Kant does not deserve his anti-resultant moral luck reputation.<sup>5</sup>

### **Kant on Moral Worth and Moral Responsibility**

There is reason to think that moral worth evaluation is distinct from moral responsibility evaluation. According to Robert Johnson (1996: 327), moral worth evaluation is about the agent's character; it is primarily a first-personal form of evaluation in which an agent judges her own characterological progression toward moral perfection. The function of moral worth evaluation, then, is to "evaluate how morally good we really are" (Johnson 1996: 311). This construal of moral worth evaluation makes sense of its object of evaluation—namely, the good will—because, as Robert Adams (1999: 83) recognizes, a good will is not encompassed by a particular act but is something "global" and "comprehensive" about a person's general motivational states being well-pleasing to God. "The idea of a good will is closer to the idea of a good person ... one who is committed only to make decisions that she holds to be morally worthy and who takes moral considerations in themselves to be conclusive reasons for guiding her behavior. This sort of disposition or character is something we all highly value" (Johnson and Cureton 2016; cf. Hursthouse 1999: 140).<sup>6</sup> Some philosophers speculate further into what kind of disposition the good will is, even though Kant himself never defines the good will (Wood 2003). Some of them identify the good will with the fundamental or meta-disposition to subordinate the incentive of self-love to the incentive of respect for the moral

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<sup>5</sup> I omit discussion of Kant's moral philosophy and moral luck with respect to different moral statuses such as happiness (see Moran 2019: 57-59), virtue (see Athanassoulis 2005: 114-134), and moral dilemmas (see Moore 1990: 304-312).

<sup>6</sup> For an argument against thinking that the good will is a state of character, see Allen Wood (2003).

law in all the agent's maxims (Adams 1999; Cureton 2017; Schaller 1992; see Kant 1996c: 78-79, 6:31-32).<sup>7</sup>

Johnson (1996) contends that Kant also recognizes another positive form of moral evaluation with a recognizably different function. As an aside in the *Groundwork*, Kant asserts that an action in conformity to duty can be motivated not out of respect for the moral law but by sympathy or honor and thereby “deserve praise and encouragement but not esteem” (1996a: 53, 4:398). The action does not deserve esteem precisely because it is not performed *from* duty; it lacks moral worth. Johnson (1996: 311-312) suggests that it is plausible to identify this less recognized form of positive evaluation of “deserving praise and encouragement” with moral responsibility and moral praiseworthiness in particular (from here onward, I drop the modifier ‘moral’ prior to ‘praiseworthiness’ and ‘blameworthiness’). After all, it is intuitive to think that actions performed from the motive of benevolence merit some kind of positive evaluation, even if that motivation is not as stably oriented toward doing one’s duty as the good will. The recognizably distinct function of this second kind of evaluation is to determine what kinds of holding responsible reactions we deserve from ourselves and others.

Let us apply this distinction to the jewel passage. Kant’s claim, then, is that the consequences of an action do not make the agent more esteem-worthy in the sense of having better character; consequences do not affect whether someone has a good will. Surely, this claim is uncontroversial if we understand the good will to be the fundamental propensity to subordinate the incentive of self-

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<sup>7</sup> It is often unrecognized that Kant thinks that no one actually has a good will on this reading of the good will. For according to Kant, everyone has the evil meta-propensity to subordinate the incentive of respect for the moral law to the incentive of self-love: “It will be noted that the propensity to evil is here established ... in the human being, even the best” (1996c: 78, 6:30). Since this evil fundamental propensity possessed by even the best is impossible with a good will, no one has a good will.

love to the incentive of respect for the moral law.<sup>8</sup> Importantly, however, this view of the relationship between consequences and moral worth evaluation is compatible with accepting resultant moral luck, because it leaves open the possibility that an agent can become more or less morally praiseworthy or blameworthy based on the consequences of her actions.<sup>9</sup>

The idea that we mistakenly attribute the denial of resultant moral luck to Kant by collapsing different kinds of moral evaluation has a striking parallel in the moral luck literature. In Hartman (2016; 2017; 2018; 2019; forthcoming-a; forthcoming-c; manuscript), I argue that resultant moral luck exists and so do other kinds of moral luck. If I am right about this, we should wonder why we have intuitions that support the denial of those kinds of moral luck. That is, we need an explanation why we tend to intuit, for example, that the drivers are equally blameworthy if the killer driver is more blameworthy. The explanation that John Greco (1995) and I (2017, Ch. 6) offer is that we mistakenly infer *from* the plausible claim that each reckless driver is no worse of a person than the other *to* the dubious claim that each reckless driver is no more blameworthy than the other. This inference is mistaken precisely because 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. In our view, 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.<sup>10</sup> Once we pry apart these two kinds of commonsense moral evaluation that have been

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<sup>8</sup> In Hartman (2017: 135-139; forthcoming-a; forthcoming-b), I argue that consequences can diachronically affect the agent's character on an Aristotelian conception of character.

<sup>9</sup> Other philosophers reject Kant's anti-resultant moral luck reputation in the jewel passage for reasons concerning the nature of an action (Lockhart 2015) or the nature of duties (Gardner 2004).

<sup>10</sup> Kant would not accept this particular claim, because he thinks that any moral feature of an agent's character must be the effect of free choice: "The human being must make or have made *himself* into whatever he is or should become in a moral sense, good or evil. These two must be an effect of his free power of choice, for otherwise they could not be imputed to him and, consequently, he could be neither *morally* good nor evil" (1996c: 89, 6:44, italics in original). I, however, think that not all morally bad character depends on free choice (but I think that all morally bad character for which we are blameworthy depends on free choice). For example, a person who is born into a racist society and develops a kind of implicit racial bias through no fault of her own has morally bad character even if she is not blameworthy for being bad in that way (for a similar position, see Hursthouse 1999: 116).

collapsed, we can see the way in which the problem of moral luck arises in the first place; our contradictory intuitions are about two different kinds of commonsense moral evaluation that are easily confused. If Johnson's (1996) interpretation of Kant is correct, Kant's readers have been making a similar mistake.

My overall argument that Kant does not reject resultant moral luck, however, does not rely on the idea that moral worth and moral responsibility evaluation are relevantly distinct. Even if moral worth and moral responsibility evaluation are related in such a way that we can draw good inferences from the jewel passage to whether resultant moral luck exists, I argue that Kant's view on moral responsibility for consequences is much more complicated than the jewel passage indicates. Other passages in Kant indicate that he thinks that people are morally responsible for at least some consequences of their actions.

### **Kant on Moral Responsibility for Consequences**

In the *Metaphysics of Morals*, Kant makes some terse remarks about imputation of moral responsibility for consequences that are further explicated in the *Lectures on Ethics*, which is a collection of detailed lecture notes of his students.<sup>11</sup> Let us begin with the familiar part of Kant's view that certain kinds of consequences are not imputable to the agent.

Kant argues that agents are not morally responsible for the consequences of certain kinds of free actions: "The good or bad results of an action that is owed ... cannot be imputed to the subject" (1996d: 382, 6:228). What kind of action is an owed action? According to Kant, "if what he does is just exactly what the law requires, he does what is owed" (1996d: 382, 6:227). The kind of action that the law requires is what Kant refers to as a *perfect* duty or a duty that we are required to

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<sup>11</sup> Some of these remarks are about legal responsibility in particular, but they generalize in the moral case; this is confirmed by the way in which those remarks apply to the moral examples that Kant offers (see Reath 2006; 2008).

fulfill at all times such as not lying; in contrast, an *imperfect* duty is a duty that we must fulfill only sometimes such as a duty to self-improve (1996a: 73-75, 4:421-423). According to these passages from the *Metaphysics of Morals*, then, the consequences of actions that conform to perfect duties are not consequences for which agents are morally responsible. In this way, fulfilling perfect duties affords the agent moral protection from luck with respect to moral responsibility for outcomes. Here is an example Kant offers: “if I discharge my debt [a perfect duty], and the other has thereby achieved a great stroke of fortune, this good consequence of the action cannot be imputed to me as a merit” (1997a: 81-82, 27:1438). This kind of immunity from moral responsibility for consequences applies even in cases in which a bad consequence foreseeably follows from fulfilling the perfect duty. Returning to the jewel passage, if the kind of duty that the agent with a good will performs is a perfect duty, then we have a good explanation for why its consequences neither add nor subtract from the agent’s moral quality even on the assumption that moral worth evaluation is relevantly related to moral responsibility evaluation.

Nevertheless, Kant’s other remarks highlight that he allows agents to be morally responsible for certain kinds of consequences from certain kinds of free actions: “The good results of a meritorious action, like the bad results of a wrongful action, can be imputed to the subject” (1996d: 382, 6:228). Kant describes the nature of these kinds of free action in this way: “If someone does more in the way of duty than he can be constrained by law to do, what he does is meritorious; ... if what he does is less than the law requires, it is morally culpable” (1996d: 382, 6:227). In particular, keeping imperfect duties is meritorious in this way, because fulfilling an imperfect duty is always doing more than is required on that particular occasion.<sup>12</sup> Kant scholars agree that ‘merit’ in these

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<sup>12</sup> Kant is saying that agents can be morally responsible for good consequences that follow meritorious actions *of this kind*, because fulfilling an imperfect duty is not the only kind of meritorious action. Kant thinks that fulfilling perfect duties out of respect for the moral law can also be meritorious, whereas merely fulfilling a perfect duty is not (see Kant 1996d: 521-522, 6:390-391). The more general idea, then, is that all morally worthy actions are praiseworthy actions, but not all praiseworthy actions are morally worthy actions.



passages is sufficient for moral praiseworthiness, and that ‘culpability’ is sufficient for moral blameworthiness (Reath 2006: 253; Johnson 1996: 312, 327; Blöser 2015: 187). So then, when a person fulfills an imperfect duty, she opens herself up to luck in such a way that she may also be morally responsible for its good consequences and not its bad consequences. Similarly, when a person performs a wrongful action—that is, a transgression of perfect duty—she opens herself up to luck in such a way that she may also be morally responsible for its bad consequences and not its good consequences.<sup>13</sup> Here is another example from Kant: “He who shortens his life by intemperance ... his death can thus be imputed, indirectly, to himself” (1997a: 146, 27:371). That is, an agent breaches a duty of temperance, and, as a result, she dies; she is morally responsible for this result. These passages on imputation highlight that Kant endorses moral responsibility for at least certain kinds of consequences, which is a claim that many Kant scholars recognize (see, for example, Heyd 1997: 37-38; Hill 1994: 159-167; Korsgaard 2008: 259; Moran 2019: 66; Reath 2006: 252-253; 2008: 136-137) and at least a few philosophers working on moral luck recognize (Enoch 2010: 46; Hartman 2017: 113-114).

How do we explain the differential assessment of these kinds of consequences? According to Andrew Reath (2006: 259), the important difference lies in authority. Fulfilling a perfect duty is the kind of action with respect to which the agent acts under the authority of morality, which absolves her from her foreseeable and unforeseeable impact on the world. In contrast, fulfilling imperfect duties and performing wrongful actions are the kinds of actions with respect to which the agent steps out from under the authority of morality and acts on her own authority. In this way, she becomes morally responsible for what she has done in the world, but in a way that is limited to the moral valence of the action she has freely chosen.

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<sup>13</sup> Kant notes that a person is not blameworthy for failing to fulfill an imperfect duty on a particular occasion unless she makes it her aim not to comply with the imperfect duty (1996d: 521, 6:390).

This explanation appears to imply that the agent would be morally responsible for bad consequences of a wrongful action that she could not reasonably have been expected to foresee (as well as unforeseeable good consequences of a meritorious action). In fact, Kant holds this view (Hill 1994; Reath 2006: 250-251). “The *effectus* [effects] of an *actio libera* [free action] may be as remote from it as they please, yet can still be imputed” (Kant 1997b: 319, 27:565, italics in original). “But if he acts contrary to his obligation, it is imputed to him, because ... he is thus misusing his freedom, and here all the consequences can legitimately be imputed to him” (Kant 1997a: 82, 27:1438). The ‘remote’ and ‘all’ in these passages certainly suggest that agents can be morally responsible for unforeseeable consequences on Kant’s view. This idea is confirmed by consideration of Kant’s examples and commentary. The first example comes from Kant’s *On a Supposed Right to Lie from Philanthropy*, and the context here is legal imputation.

That is to say, if you have *by a lie* prevented someone just now bent on murder from committing the deed, then you are legally accountable for all the consequences that might arise from it. ... if you had lied and said that he is not at home, and he has actually gone out (though you are not aware of it), so that the murderer encounters him while going away and perpetrates his deed on him, then you can by right be prosecuted as the author of his death. ... Thus one *who tells a lie*, however well disposed he may be, must be responsible for its consequences even before a civil court and must pay the penalty for them, however unforeseen they may have been (1996b: 612-613, 8:427, italics in original).

So, in this case of legal responsibility, Kant explicitly affirms that there is no foreseeability restriction on imputation of consequences. Reath (2006: 250-251) suggests that the same is true for Kant in cases of moral responsibility:

[A] householder has ordered his servant to say ‘not at home’ if a certain human being asks for him. The servant does this and, as a result, the master slips away and commits a serious crime, which would otherwise have been prevented by the guard sent to arrest him. Who (in accordance with ethical principles) is guilty in this case? Surely the servant, too, who has violated a duty to himself by his lie, the results of which his own conscience imputes to him (Kant 1996d: 554, 6:431).

It is plausible to assume that the servant does not know what the householder is going to do, because the householder provides no information but to say ‘not at home’. And since the crime is in part a consequence of his lying, the servant is morally responsible in part for the commission of the serious crime even though it is not a result that he could reasonably have been expected to foresee.

In summary, Kant accepts that agents are morally responsible for certain kinds of consequences of certain kinds of actions. But then, philosophers who believe that Kant thinks that consequences are morally irrelevant should give up this belief. And if this belief is their only justification for their belief that Kant denies resultant moral luck (as I presume is the case), they should also give up their belief that Kant denies resultant moral luck. These epistemic reversals should have wide application to philosophers in the moral literature and far beyond it. Nevertheless, assuming that a distinction often made by philosophers in the moral luck literature is a legitimate distinction, it does not follow from the claim that Kant allows an agent to be morally responsible for lucky consequences that Kant also believes that lucky consequences can affect how much praise or blame she deserves. In the next section, I explain this distinction, and assess whether Kant accepts resultant moral luck.

### **Does Kant Accept Resultant Moral Luck?**

Philosophers in the moral luck debate often make a distinction between the degree and scope of moral responsibility (Zimmerman 2002: 560-561; see also Peels 2015: 74-75; 2017: 224-234; Richards 1986: 203-204; Thomson 1989: 208-211). The scope of moral responsibility concerns the particular events for which a person is morally responsible, and the degree of moral responsibility concerns how much praise or blame an agent deserves. Consider the way in which they apply this distinction to the case of the drunk drivers. The killer driver is morally responsible for an event that the merely reckless driver is not—namely, killing a pedestrian. But being morally responsible for that

additional event does not increase the degree of blame that the killer driver deserves; according to the philosophers who make this distinction, the drivers deserve the same degree of blame. To put their view more generally, consequences affect only the scope of an agent's moral responsibility, not its degree. One might rightly wonder if this distinction is theoretically motivated since it seems natural to think that if an agent is blameworthy for more things (the bad action and the bad consequence) that the agent would be more blameworthy overall in comparison with an agent who performs the same blameworthy action in the same way but without the bad result.<sup>14</sup> I set this issue aside for now, and return to it briefly at the end of this section.

If Kant is thinking about moral responsibility for consequences in the scope sense only, it would follow that moral responsibility for consequences would not affect how much praise or blame a person deserves, and so Kant would deny resultant moral luck as I defined it in the introduction. Of course, some philosophers offer a more inclusive definition of moral luck such that it occurs when factors beyond an agent's control affect her *moral status* (Anderson 2011: 373; Nagel 1979: 26; Hanna 2014: 683). On this broader definition, Kant would clearly affirm resultant moral luck, because luck would affect the scope of consequences for which the drivers are morally responsible, and this is one way in which luck might affect a person's moral status. Nevertheless, the philosophers who use the more general definition themselves go on to focus on degree of praiseworthiness and blameworthiness as the object of their inquiry (Sela 2010: 318); this focus has led some philosophers to simply define 'moral luck' in terms of degree of praiseworthiness and blameworthiness (see, for example, Hartman forthcoming-b). So, because the moral status of deserving praise and blame is the focus of the moral luck literature and I am interested in what

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<sup>14</sup> See Andrew Khoury (2018: 1362-1363) for some worries about this distinction.

Kant's position is relative to this debate, I have defined resultant moral luck to reflect the more specific idea.

Thus, to determine whether Kant accepts resultant moral luck, we must figure out whether Kant thinks about moral responsibility for consequences in the scope sense only or in both the scope and degree sense. In his sparse remarks about imputation in the *Metaphysics of Morals*, Kant does not provide enough information to make a reasonable judgment one way or another. But there is one passage in the *Lectures on Ethics* that appears to show that Kant accepts resultant moral luck.

In the Collins notes, Kant says that merit and demerit—that is, praiseworthiness and blameworthiness according to at least Reath (2006: 253), Johnson (1996: 312, 327), and Claudia Blöser (2015: 187)—are imputed to the agent based on the consequences themselves. This claim about imputing merit or demerit based on consequences is not contained in the *Metaphysics of Morals* where Kant writes merely about imputing consequences to the agent. Here is the passage:

If I do more than I have to, *the result is attributed to me as a merit*, for example, an advance payment that I have made to somebody, and by which he has achieved a great stroke of fortune, can be imputed to me with all its consequences, since I have done more than I had to. And *the result of my action is also imputed to me as a demerit*, if I do less than I am required to; for example, if I do not pay my debt on time, and the other goes bankrupt in consequence, the outcome is imputable to me (1997a: 82, 27:1438, italics mine).

A plausible reading of this passage is that the good consequences increase the agent's overall degree of praiseworthiness beyond her degree of praiseworthiness for the action, and the bad consequences increase the agent's overall degree of blameworthiness beyond her degree of blameworthiness for the action. Importantly, however, this is not the only possible construal. On a scope only reading, all Kant is saying here is that the agent is respectively praiseworthy for the good consequence and blameworthy for the bad consequence, but not any more praiseworthy or blameworthy than the degree to which she is on the basis of the good or bad actions. Nothing in the passage rules out the

scope only reading. Even so, I think that the natural reading of this passage provides some evidence for Kant's accepting resultant moral luck, but not evidence that is good enough to make the bolder claim that Kant accepts resultant moral luck.

In light of this dearth of clear exegetical evidence, one might think that we should rather focus on what Kant should have said. What is the most plausible Kantian position? I consider one charity-based argument for Kant's accepting resultant moral luck and another against his accepting it. But both arguments have at least one premise that is too contentious to provide a decisive charity-based reason to attribute either position to Kant.

First, one might be tempted to apply Michael Moore's (1997: 237) argument for resultant moral luck from less contentious kinds of moral luck to Kant's views. Before stating that argument, let us define two less contentious kinds of moral luck from Nagel's (1979: 28) taxonomy.

*Circumstantial moral luck* occurs when it is outside of the agent's control whether she faces a morally significant challenge or opportunity, and it positively affects her degree of praiseworthiness or blameworthiness. *Constitutive moral luck* occurs when an agent's dispositions or capacities are not voluntarily acquired, and they positively affect her degree of praiseworthiness or blameworthiness for a character trait or an action. Here, then, is Moore's argument: if resultant moral luck does not exist, then neither do circumstantial or constitutive moral luck (cf. Zimmerman 2006: 605). But circumstantial or constitutive moral luck exist. Thus, resultant moral luck exists. The basic idea is that if the conditional premise is true and Kant accepts circumstantial or constitutive moral luck, we have good reason to attribute to Kant the position that resultant moral luck exists. But both premises may be reasonably contested. First, various philosophers have argued that the conditional premise is not obviously true (see Coffman 2015: 110-111; Hartman 2017: 105). Second, even though some philosophers have plausibly argued that Kant accepts at least some kinds of circumstantial and constitutive moral luck (see Moran 2019: 65-66), Kant has the broad reputation

of denying circumstantial and constitutive moral luck (see Athanassoulis 2005: 100; Nagel 1979: 24; Sela 2010: 318; Vaida 2014: 124; Walker 1991: 22; Williams 1981: 38; 1985: 195; Zagzebski 1994: 400), and certain interpretations of Kant's view of transcendental freedom do rule out these kinds of moral luck (Korsgaard 1992: 319; Walker 1978: 148-149).<sup>15</sup> So, the premise that Kant affirms circumstantial and constitutive moral luck is not obviously true in the way it needs to be if it is going to be part of a decisive reason for thinking that Kant should accept resultant moral luck.

Second, if Kant were to accept resultant moral luck, then unforeseeable consequences would partially determine how much praise or blame a person deserves, because Kant draws no important distinction between moral responsibility for foreseeable and unforeseeable consequences. But it seems implausible that unforeseeable consequences can positively affect how much praise or blame a person deserves; admittedly, I share this intuition (Hartman 2017: 90-93). If, however, we are attributing the most plausible position we can to Kant, it seems at least as plausible to me (indeed, more plausible) that Kant should accept resultant moral luck and limit moral responsibility for consequences in the scope and degree sense to foreseeable consequences. Such a position is motivated given Kant's own commitments. After all, Kant already limits the consequences for which agents can be morally responsible based on the kind of risk at stake in the kind of action performed. This is why Kant restricts moral responsibility for consequences of meritorious actions to good consequences and of morally wrong actions to bad consequences. Thus, it would be motivated for Kant to limit further the consequences for which agents are morally responsible to the consequences that fit the *foreseeable* risk of the action. For example, the unlucky consequence of killing the pedestrian is part of what is foreseeably risked by driving recklessly, and so this bad consequence of a morally wrong action would be imputable to the agent in a way that adds to her overall

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<sup>15</sup> Other interpretations of Kant's transcendental freedom do not rule out circumstantial and constitutive moral luck (see Pereboom 2006; Vilhauer 2004; 2010). See Vilhauer (2017) for an excellent overview of interpretations of Kant's view of transcendental freedom.

blameworthiness. I conclude that there is no decisive charity-based reason to attribute to Kant the denial of resultant moral luck based on unforeseeable consequences.

I close by pointing to another charity-based argument for Kant's accepting resultant moral luck. The crucial premise of the argument is that the distinction between degree and scope of moral responsibility, a distinction that is very popular in the moral luck debate, is an implausible distinction. For if degree of moral responsibility depends on scope, we have good reason to think that differences in scope of moral responsibility yield differences in degree; that is, an agent's being morally responsible for a foreseeable bad consequence would add to her overall degree of blameworthiness, in comparison with an agent who performs the same action without the bad consequence. But then, since Kant clearly allows agents to be morally responsible for consequences in at least the scope sense, it is charitable also to attribute to Kant the position that agents are morally responsible for consequences in the degree sense. I view this general strategy as a promising one but do not pursue it in this paper.

### **Conclusion**

I have argued that the jewel passage does not support Kant's anti-resultant moral luck reputation, because that passage is about a kind of moral evaluation that leaves open the possibility of Kant's accepting resultant moral luck. Furthermore, even if moral worth and moral responsibility evaluation are relevantly related to make a good inference about resultant moral luck in at least some cases from the jewel passage, the jewel passage still does not motivate Kant's general denial of resultant moral luck, because Kant's views of moral responsibility for consequences are much more complicated than that passage suggests. Other passages clearly indicate that Kant allows agents to be morally responsible for certain kinds of lucky consequences. Even so, I have not argued that Kant



accepts resultant moral luck. Rather, I have argued more modestly that Kant does not deserve his anti-resultant moral luck reputation.

What lesson should contemporary philosophers draw from this surprising result? Perhaps the main takeaway is that philosophers who draw their anti-resultant moral luck inspiration from Kant should re-check their reasons for denying resultant moral luck.<sup>16</sup>

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