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ORIGINAL RESEARCH

Moral Luck and the Imperfect Duty to Spare Blame

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Abstract
It is conventional wisdom that appreciating the role of luck in our moral lives should make us more sparing with blame. But views of moral responsibility that allow luck to augment a person's blameworthiness are in tension with this wisdom. I resolve this tension: our common moral luck partially generates a duty to forgo retributively blaming the blameworthy person at least sometimes. So, although luck can amplify the blame that a person deserves, luck also partially generates a duty not to give the blameworthy person the retributive blame that he deserves at least sometimes.

1 Introduction

Luck permeates our moral lives. The killer driver is unlucky that there was a pedestrian on the road the night she took the turn too fast; the bribe taker is unlucky to have been offered the bribe; the racist is unlucky to have grown up in a racist subculture.

It is part of conventional wisdom that appreciating the role of luck in our moral lives provides a reason of some kind not to blame the wrongdoer. The idea is at least partially connoted by the adage "There [being a prisoner walking to the gallows], but for the grace of God, go I." Gary Watson (1987, 276) articulates a similar idea while reflecting on moral luck:

> if *I* had been subjected to such [abusive formative] circumstances [as the horrendous murderer Robert Harris], I might well have become as vile. What is unsettling is the thought that one's moral self is such a fragile thing. … It makes one feel less in a position to cast blame (italics in original).

I take Watson's unsettling thought to be that luck provides a normative reason of some kind to forgo blame. Let us refer to this vague conventional wisdom as the *sparing insight*.

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The sparing insight is in tension with views of moral responsibility that allow luck to amplify blameworthiness.[1] The Moral Luck View (MLV) allows certain kinds of resultant, circumstantial, and constitutive luck to affect positively how much praise and blame an agent deserves (Hartman, 2017, 2018, 2019b, 2020, 2023b; Lang, 2021; Moore, 1997, 2008; Russell, 2017).[2] On the MLV, the killer driver deserves more blame than a merely reckless driver even though the salient difference between them is bad luck in the consequences of type-identical actions. The MLV also implies that the bribe taker and the racist deserve blame for their characteristic actions in part due to their bad circumstantial and constitutive luck. In contrast, a mere would-be bribe taker, who was never offered a bribe, does not deserve blame for bribe taking because she does not take a bribe. A mere would-be overt racist, who was not raised in an overtly racist culture, does not deserve blame for overtly racist actions because she performs no overtly racist actions; she lacks even a disposition to perform such actions given the better culture in which she was raised. So then, the MLV is in tension with the sparing insight because luck in results, circumstances, and constitutive traits can amplify the degree of blameworthiness of the killer driver, bribe taker, and racist in comparison to their luckier counterparts, whereas the sparing insight is about how reflection on luck should make us more sparing with blame.[3] This tension is not a contradiction. The MLV is about how luck can increase *blameworthiness*, but the sparing insight is about how luck should decrease *blame*.

The same tension arises in views similar to the MLV. For example, the "Asymmetry View," which is the majority position in the moral luck debate (Hartman, 2017, 129–130), allows luck in circumstance and constitution to amplify an agent's blameworthiness but does not allow luck in results to do so (see, e.g., Crisp, 2017; Rivera-López, 2016). As a result, the Asymmetry View also has the puzzle about how luck can amplify the blameworthiness of the bribe taker and the racist and yet should make us more sparing with blame.

The path of least resistance would be to ignore or debunk the sparing insight. But I take Aristotle's (2001a, 1098b8-10) method of looking for something insightful

[1] Neil Levy (2019: 72n9) offers a similar challenge to my earlier claim (Hartman 2017: 14–15) that reflection on luck provides a reason for proponents of the MLV to spare blame.

[2] Michael Zimmerman's non-skeptical luck-free view of moral responsibility accommodates the sparing insight in a different way. Zimmerman (2011) neutralizes the influence of circumstantial and constitutive luck on moral responsibility by making agents praiseworthy and blameworthy not only for what they actually do but also in virtue of what they would have freely done in counterfactual circumstances with counterfactual character and history. Here is how his view accommodates the sparing insight: for any actual action for which a person deserves punishment, it is plausible that there are true counterfactuals of freedom describing circumstances in which one freely does not perform that action and so deserves not to be punished. Given the high probability of such conflicting desert claims, the possibility of their yielding the overall desert claim that one deserves not to be punished, and the great importance of not punishing those who deserve not to be punished, we should refrain from legal retributive punishment (Zimmerman 2011, 143–150).

[3] This puzzle is featured in Paul Russell's (2017) "critical compatibilism." He acknowledges the reality of moral luck, but he also takes a pessimistic attitude toward moral luck by finding moral luck to be "disconcerting or unsettling" (2017, 237–238). My response differs from Russell's because Russell regards the tension as an appropriate place to stop inquiring.

in commonsense opinions and incorporating them in some way into an account of the relevant phenomena to be a more truth-conducive approach.[4] As a result, I look for at least a kernel of truth from the sparing insight to integrate into the MLV, and similar views.

I propose to resolve the tension by appealing to an imperfect duty that is partially generated by luck to forgo blaming the blameworthy person; an *imperfect* duty is the kind that must be fulfilled at least sometimes. So, although luck can amplify a person's degree of blameworthiness in various ways specified by the MLV, and similar views, luck can also partially generate the duty not to give the blameworthy person the retributive blame that she deserves at least sometimes.[5]

I proceed as follows. First, I offer an argument for the imperfect duty to forgo retributive blame, and then I explain the duty's nature and scope. Subsequently, I show how thinking about luck can motivate fulfilling the duty. This proposal contributes not only to a defense of the MLV, and similar views, by accounting for an insight that is in tension with it but the argument for the imperfect duty itself also makes a novel contribution to the literature on the deontic status of forgiveness or letting go of blame (see Hughes & Warmke, 2022). Second, I respond to six objections about the existence of the duty, the nature of the duty, and how the duty accommodates the sparing insight in my proposal.

Before I begin the argument, it is important to make three clarifications about desert, blame, and the use I make of Kant's moral philosophy. First, as I use the phrase 'deserving blame', it is backward-looking. It is what Derk Pereboom (2014, 2) famously calls "basic desert" moral responsibility: "The desert at issue here is basic in the sense that the agent would deserve to be blamed or praised just because she has performed the [free] action." Focus on basic desert makes my argument continuous with the literatures on moral luck and free will, which are about the kind of control required to perform free actions and be morally responsible in such a way

[4] One might think that the sparing insight just is the intuition that luck undermines moral responsibility. But the sparing insight is not that specific: it is that luck makes blame inappropriate for some inchoate reason. Suppose, however, the sparing insight just is about how the control principle undermines blameworthiness, given this is one option about how to understand the precise nature of the sparing insight. In that case, proponents of the MLV have argued that this intuition 'luck undermines moral responsibility' is errant (Hartman 2017, 6–9, 42–59, 62–64, 124–126; 2018; 2023b). But now we need to explain why this erroneous intuition is so widespread. The Aristotelian response is that there is a kernel of truth in it by explaining where it is bumping up against nearby moral reality. This project locates the kernel of truth in the imperfect duty.

[5] A different proposal appeals to standing to blame. Reflection on the luck in our moral lives can help us to see that it is impermissible to blame the blameworthy due to a lack of standing to blame. Because the blamer would have done the same thing as the wrongdoer if she had had the same constitutive and circumstantial luck as the wrongdoer, her blame would be subjunctively hypocritical (see Wallace 2019, 2710). But that rules out standing to blame because non-hypocrisy is a necessary condition on having standing to blame. So, proponents of the MLV view could accommodate the sparing insight in this way: luck positively affects the degree to which people are blameworthy, and yet reflection on luck helps us to see that we lack standing to blame the blameworthy wrongdoer because such blame would be subjunctively hypocritical. In my view, this is not a promising proposal. I do not think standing to blame is nullified by the counterfactual that if I were a very different person, I would (probably) have behaved in the same way as some actual wrongdoer (see Isserow 2022).

as to justify retributive practices (Hartman, 2017, 34; 2020, 110–112). Second, the kind of blame warranted by basic desert is what Susan Wolf (2011, 336) calls "angry blame" (see also Pereboom, 2014, 128). As I explain later, the motivation tendency of anger is payback. As such, angry blame is closely associated with a sanction in its overt expressions, and thus angry blame at least typically imposes a burden that requires a desert-based justification. This costly feature of angry blame, as opposed to non-retributive kinds of blame, will be important for generating the imperfect duty. Third, my argument is Kantian just in its appeal to the categorical imperative. It does not require embracing Kant's other normative commitments contingently related to the categorical imperative. Still, one might find it odd to employ Kant's ethics to solve a puzzle with the MLV due to Kant's reputation for denying all moral luck. Even if Kant denies all moral luck, he does not do so based on the categorical imperative, which points to the fact that endorsing the categorical imperative does not rule out embracing moral luck. Additionally, there are pro-moral luck interpretations of Kant. In Hartman (2019a, 2024; forthcoming), I argue that Kant allows good and bad consequences to be imputed respectively to right and wrong actions; Kant allows various lucky circumstances and constitutive properties to influence a person's degree of praiseworthiness and blameworthiness by influencing how difficult it is to do the right thing; Kant allows luck to influence blameworthiness for the radically evil disposition.

2 The Imperfect Duty to Forgo Angry Blame

My proposal to integrate the sparing insight into the MLV, and similar views, builds on work by Garrard and McNaughton (2003, 2010). They argue that there is a reason—but not a duty—to forgive. The reason is about "human *solidarity*, the concern for the well-being of those who one feels are in the same condition as oneself" (Garrard & McNaughton, 2003, 54–55; italics in original). The same condition is two-fold. We are all inclined toward wrongdoing, and we are all greatly shaped by luck such that we would have been in a worse moral condition if we had worse luck. Solidarity rationalizes forgiveness.

I draw upon Garrard and McNaughton's reason about solidarity but argue for a stronger claim—namely, that we have a *moral duty* of some kind to forgo blaming from anger the blameworthy person. I do so in a way that mirrors Immanuel Kant's use of the categorical imperative to generate an imperfect duty of beneficence.[6]

Kant argues for the imperfect duty of beneficence in the following passage:

> Yet a fourth [person], for whom things are going well while he sees that others (whom he could very well help) have to contend with great hardships, thinks:

[6] Claudia Blöser (2019) compares the general approach of Gerrard and McNaughton to Kant's approach to forgiveness, and Blöser's characterization of Kant's basic position mirrors my own (cf. Satne 2020). But my proposal is new. I offer a novel argument for the imperfect duty to spare angry blame, I clarify the nature and scope of the duty in new ways, and I defend this new reasoning from many new objections.

> what is it to me? Let each be as happy as heaven wills or as he can make himself; I shall take nothing from him nor even envy him; only I do not care to contribute anything to his welfare or to his assistance in need! But although it is possible that a universal law of nature could very well subsist in accordance with such a maxim, it is still impossible to will that such a principle hold everywhere as a law of nature. For, a will that decided this would conflict with itself, since many cases could occur in which one would need the love and sympathy of others and in which, by such a law of nature arisen from his own will, he would rob himself of all hope of the assistance he wishes for himself (1996a, 4:423; see also 1996c, 6:453).

In other words, Kant considers the maxim 'in a circumstance with someone in need, I omit to help that person'. Here is a universalized version of that maxim: 'in a circumstance with someone in need, everyone omits to help that person'. The next step is to transform it into a law of nature: 'necessarily, in a circumstance with someone in need, everyone omits to help that person'. Imagine how this new law of nature would transform a social order like ours. In that imagined social order, is it possible to act successfully on the original maxim? Of course, it is. But a person cannot rationally will to be a part of that imagined society with that new law of nature. For if she had worse luck and so had been in want of basic necessities, she would rationally will others to help her because she has a rational end for survival. In the circumstances in which she rationally wills to be helped, a contradiction would have arisen from her own will due to her rationally willing to live in the imagined social order in which it is a law of nature that no one helps. The upshot is that people have a duty of beneficence that they must fulfill at least sometimes.

Notice that the imperfect duty of beneficence is partially generated by luck. It is partially generated by the constitutive properties of fragility and vulnerability that are beyond the control of human persons.[7] To see why, consider another kind of rational being with a different constitution who is invulnerable to bad luck concerning their basic needs. Invulnerable creatures can rationally will the law of nature that no one helps without generating a contradiction because they cannot be put into a position in which their basic needs go unmet (Herman, 1984, 590–594). As a result, it is permissible for such beings never to help, according to this formulation of the categorical imperative. But actual human beings are fragile and vulnerable in a way that makes the fulfillment of their rational ends subject to luck. As a result, human beings do have an imperfect duty of beneficence.

I offer an analogous argument from the categorical imperative for an imperfect duty to forgo angry blame that is likewise partially grounded in luck. I mimic Kant's style:

> A person interacts with a more serious wrongdoer. She thinks to herself that she should give the wrongdoer all the angry blame that he deserves. Although a universal law of nature can possibly subsist on this maxim, it is impossible to rationally will that it should be so. A will that decided thus would conflict with

[7] Later, I consider and respond to the objection that a property of human nature cannot be lucky.

> itself, since many circumstances could occur in which she would become such a wrongdoer and need the love and sympathy of others and in which, by such a law of nature arisen from her own will, she would rob herself of the mercy that she wishes for herself.

In other words, a person considers whether she can universalize the maxim 'in a circumstance in which a wrongdoer deserves angry blame, I give the wrongdoer the full extent of the angry blame that she deserves for the wrong'. Here is the universalized maxim: 'in a circumstance in which a wrongdoer deserves angry blame, everyone gives the wrongdoer the full extent of the angry blame that she deserves for the wrong'. The next step is to transform it into a law of nature: 'necessarily, in a circumstance in which a wrongdoer deserves angry blame, everyone gives the wrongdoer the full extent of the angry blame that she deserves for the wrong'. Imagine how this new law of nature would transform a social order like ours. In the imagined social order, is it possible to act successfully on the original maxim? Of course, it is. But a person cannot rationally will to live in that imagined society with that new law of nature because it would thwart the rational end for good social relationships. I defend this last claim in a way that is parallel to Kant's original reasoning in three steps: having different luck, having different moral luck, and being unable to fulfill our rational end for good social relationships.

First, we recognize that we could easily have had different and worse luck. Factors outside of our control could have been different. We could have had worse dispositional tendencies; we could have found ourselves in more corrupting circumstances; and our actions could have had worse consequences.

Second, if we had worse luck in constitution, circumstance, and results—and we easily could have—we would (probably) have had worse moral luck. That is, we would (probably) be blameworthy for more or worse things. For example, we would have become killers if there had been a pedestrian on the side of the road when we drove drunk, angrily, or hastily. We would (probably) have taken a bribe if we found ourselves in difficult enough circumstances or if it were offered in a moment of weakness—or at least if our character formation had gone very differently due to factors beyond our control. We would (probably) have done overtly racist things if we grew up in a more racist subculture that formed our moral sensibilities in an overtly racist way.

Bad moral luck also tends to have momentum. The killer driver who feels crushing guilt and shame over culpably causing the death of an innocent person has a higher probability of coping with these negative emotions by seeking pleasure in wrongful actions, due to common bad coping habits and in comparison with the merely reckless driver who needs no relief from these strong negative emotions. The bribe taker has a higher probability of performing additional wrongful actions to coverup the bribe in comparison with the judge who never takes a bribe and so has no need for a coverup. The racist actor might enjoy the improved social status in the racist culture and thereby become more motivated to perform racist actions in part to attain those social rewards.

This commonsense idea that with worse luck, we would (probably) have had worse moral luck is also reinforced by the situationist literature. Mundane features

of our circumstances significantly influence our performing good and bad actions (see Doris, 2002; Miller, 2013). Situations that differ in banal ways such as smelling cookies (Baron, 1997), being in a hurry (Darley & Batson, 1973), exiting a restroom (Cann & Goodman Blackwelder, 1984), or being around bystanders (Latané & Darley, 1970) greatly influence whether people engage in helping behavior. People tend to help more often in circumstances in which they smell the cookies or exit a restroom, and people tend to help less often when they are in a hurry or around bystanders. An even more surprising disposition is that many human beings would (probably) cause harm to innocent people if they were ordered to do so by an authority. In some variations of Stanley Milgram's experiments, more than half of the experimental subjects are willing to shock an innocent learner into unconsciousness just because the learner answered questions incorrectly and an authority figure commanded them to do so by saying mundane things such as "the experiment requires that you continue" (Milgram, 1983). What the situationist literature underscores—and I have offered just a small sample—is that if we had worse luck, we would (probably) have had worse moral luck and been more blameworthy wrongdoers.

Third, if we had worse moral luck, we would rationally want others to be merciful to us by not giving us the angry overt blame and social sanction that we deserve. Why think that? As social creatures, human beings have a rational end for good social relationships. If human beings got all the angry blame they deserve, this rational end would be thwarted because human beings deserve a lot of angry blame and anger has a socially nasty action tendency. Let us consider each in turn.

Why think that human beings deserve a lot of angry blame? I stand with Kant (1996b, 6:32–33): "We can spare ourselves the formal proof that there must be such a corrupt propensity [toward wrongdoing] rooted in the human being, in view of the multitude of woeful examples that the experience of human *deeds* parades before us" (italics in original). That is, human history and personal experience support the claim that human beings regularly act wrongly. As a result, we can infer that human persons are constituted by mental dispositions that make it probable that they often act wrongly; that is, human beings regularly engage in wrongdoing owing to a universally shared selfish constitutive luck.[8] These claims also fit with lessons from the

[8] Kantians can embrace this point too. I offer an interpretation of radical evil in which Kantians can agree that the free choice of a radically evil character is influenced by constitutive luck (Hartman forthcoming). Kant claims that radical evil is rooted in human nature (1996b, 6:30, 6:32) and that it is freely chosen (1996b, 6:31, 6:44). How can this be? Henry Allison (2002) offers the following a priori argument: human beings must choose a good fundamental moral orientation or an evil fundamental moral orientation; but their fundamental moral orientation cannot be good due to human nature; thus, they must choose the morally evil orientation. But if human nature ensures that human beings choose the radically evil fundamental orientation, how can it be a free choice? Allison's argument has three layers. First, Allison (2002, 343) interprets Kant as a sourcehood incompatibilist: "Kant characterizes freedom in terms of a causality of reason rather than a general capacity to do otherwise." According to sourcehood incompatibilism, an action is free only if the agent's rationality and will is the proper source of the action. Causal determination by a factor external to one's self, such as from the external world, rules out proper sourcehood. The choice, however, of radical evil is different. It is guaranteed by an internal feature of the agent—namely, her rational nature. Second, Kant's commitment to the 'ought implies can' principle requires alternative possibilities to be connected to freedom only when duty applies to the choice options. Third, according to Allison (2002, 342), there is no duty to choose a morally good fundamental orientation because that would be a duty to be beyond duty, which is absurd. Putting these three ideas together, as long as there is no duty to choose a good fundamental orientation, human beings can freely choose an

social psychology of moral character: human beings have mixed character that stably motivates them to act well in some circumstances and wrongly in others (see Miller, 2017, 142–165; 222).

That human beings often act wrongly does not suffice to show that they deserve a lot of angry blame. After all, the morally wrong acts might be excused. But luck itself cannot be a universal excuse. Recall the dialectic of the paper is to explore how to account for the sparing insight if the MLV is true, which implies the starting assumption that luck does not universally undermine moral responsibility for the purposes of this inquiry. This assumption should be extended. If human beings lack free will and are not morally responsible for some reason not pertaining to luck, the central question of this paper would not even arise because moral luck would not exist and we would have a prior reason not to blame: no one deserves it. Thus, the dialectic assumes that people are blameworthy in the basic desert sense for morally wrong actions; and since it is plausible that people act wrongly a lot, they deserve a lot of angry blame.

Why think that good social relationships could not withstand receiving all the blame from anger that we deserve? The motivational tendency of anger is payback. Consider a sample of historical and contemporary philosophers who agree with this claim (Hartman, 2023a, 4–7):

- Aristotle (2001b, 1378b): "Anger may be defined as the impulse, accompanied by pain, to a conspicuous revenge for a conspicuous slight directed without justification toward what concerns one's self or what concerns one's friends."
- Aquinas (1948) makes the following claims about anger: "the angry man desires the evil of another, not for its own sake but for the sake of revenge, towards which the appetite turns to as a mutable good" (ST II–II q158 a2); "…anger's end … is revenge" (ST II–II q72 a4).
- Martha Nussbaum (2016, 23) "ultimately accepts" the idea that "anger involves, conceptually, a wish for things to go badly, somehow, for the offender, in a way that is envisioned, somehow, however vaguely, as payback for the offense. They get what they deserve."
- Susan Wolf (2011, 338): "angry emotions and attitudes do seem to me to be conceptually tied to a disposition to punish, and therefore with a willingness to make the object of blame suffer …".
- Robert Roberts (2003, 204) defines the conceptual core of anger in this way: "S has culpably offended in some important [to me] matter of X (action or omission) and is bad (is to some extent an enemy of what is good); I am in a moral

Footnote 8 (continued)
evil fundamental orientation in a way that is guided by the constitutive luck of human nature if that free choice proceeds from the causality of reason—as Allison interprets that it does. Thus, there is at least one interpretation of Kant according to which the free choice to be radically evil is constitutively lucky due to its being ensured by human nature.

position to condemn; S deserves (ought) to be hurt for X; may S be hurt for X" (italics removed).[9]

Anger, thus, involves a desire for payback and that desire often gives rise to overt socially nasty sanctions such as yelling, berating, shaming, down-ranking, humiliating, guilt-tripping, mocking, insulting, scolding, sarcasm, the cold shoulder, blackballing, exclusion, or passive-aggressive remarks.[10] Getting all the overt angry blame that we deserve would imperil good social relationships because we would be too regularly subject to ill will and its characteristic sanctions.[11]

So then, a person cannot rationally will to live in a society with that universal law of nature. After all, if she had worse moral luck and had become a more blameworthy wrongdoer, she would rationally want others not to give her all the angry blame she deserves. But then, in the circumstances in which she rationally wills to receive mercy, a contradiction would have arisen from her own will due to rationally willing to live in a social order with the law of nature that the wrongdoer gets the full extent of the angry blame that she deserves. Thus, people have an imperfect duty to forgo giving the wrongdoer the full extent of the angry blame that the wrongdoer deserves.[12]

Although there is an imperfect duty to forgo angry blaming the blameworthy person, there is no corresponding imperfect duty to forgo praising the praiseworthy person. If we had better moral luck and had been praiseworthy for more or better actions, it is not the case that we would rationally want others not to give us the credit and gratitude that we deserve. Being praised as we merit does not thwart our rational end for good social relationships. The difference is that praising emotions such as pride, gratitude, and admiration do not create a desire to hurt others, whereas the emotion of anger does.

Having argued for the existence of the imperfect duty to forgo angry blame, let us turn to consider its object, scope, and motivation for fulfilling it.

The duty's object concerns what is done in fulfilling the duty. Its object is primarily to forgo overt expressions or behavioral manifestations of angry blame, but it also includes getting over private angry emotions to some extent. The primary focus

[9] Other philosophers deny that all anger aims at payback. For them, there is at least a species of anger with a stimulus condition of goal frustration and an action tendency to confront and solve that problem, for example, in protesting unfair racial treatment (Cherry 2021) or proving her worth to others (Scheiter 2022). Even if they are right, this does not affect my argument too much as long as the payback species is the most common. Plausibly, it is. As psychologist Carroll Izard (1977, 335) highlights, the most common feelings and thoughts correlated with experiencing anger are wanting revenge and thinking about revenge, which suggests at least that the payback species of anger is the most common.

[10] Kantians have independent reasons not to engage in some common manifestations of revenge if they fail to respect the dignity of others (see, for example, Stohr 2022, 145–175).

[11] In keeping with Wolf's (2011, 336) insight, an instance of angry blame does not necessarily imperil a good relationship. My claim is that a person's always getting the deserved overt angry blame would do so.

[12] Kant (1996c, 6:460–461) himself partially grounds the imperfect "duty of human beings to be forgiving" in this way: "a human being has enough guilt of his own to be greatly in need of pardon". Relatedly, Kant (1996c, 6:466) thinks that we should "throw the veil of philanthropy" over the faults of others.

is overt actions for two reasons: people have direct control only over actions,[13] and actions are the most serious threat to good social relationships. Even so, the imperfect duty plausibly extends to choosing to get over private angry feelings because human beings have at least some indirect control over their emotions; feelings follow choices to some extent. So, my appeal to the imperfect duty accommodates the sparing insight primarily concerning overt angry blame—the most damaging expressions of ill will over which people have direct control—and only somewhat concerning the angry feelings themselves.

The duty's scope concerns how often it should be fulfilled. Although it is unclear how often people should forgo overt angry blame due to the vagueness about how much imperfect duties require (see Kant, 1996c, 6:393), the rational end for good social relationships itself provides some guidance. We should forgo the frequency and severity of deserved angry blame that would imperil good social relationships.

The duty's scope also concerns the target of its fulfillment. Human beings have discretion about when to fulfill an imperfect duty. So, there is freedom about whether to give overt angry blame to a blameworthy wrongdoer on any occasion, at least as it pertains to the imperfect duty and if they have fulfilled the imperfect duty on other relevant occasions. This discretion implies that the wrongdoer has no entitlement to the victim's foreswearing angry blame.[14] After all, the potential blamer need not fulfill the imperfect duty concerning that wrongdoer on that occasion. But if a person decides to forgo angry blame concerning an unrepentant wrongdoer, it is often important to engage with non-angry blame such as sorrowful confrontation or temporary relational withdrawal. In this way, forswearing angry blame need not signal a lack of self-respect or vulnerability to abuse. But the discretion is not absolute. It would be impermissible to fulfill the imperfect duty only concerning white people, men, or one's self; other norms prohibit fulfilling it in a way that is racist, sexist, and self-indulgent.

Reflection on luck can also motivate people to fulfill the imperfect duty. It orients people to attend to their moral fragility. They see that they too could have been blameworthy like the wrongdoer, and this feeling of solidarity with the wrongdoers tends to melt anger to some extent. As anger dissipates, people become less motivated to blame for payback. Thus, this reflection partially removes an obstacle to fulfilling the duty to forgo angry blaming. Furthermore, the empathetic association of one's self with the wrongdoer and their condition tends to motivate people to treat them in ways that are good for them because what we want for ourselves is at least typically what is good for ourselves, which also provides some positive motivation to fulfill the imperfect duty.[15]

[13] For Kant, ought implies can: "We ought to conform to it, and therefore we must also be able to" (1996b, 6:62).

[14] But even if the victim should fulfill the imperfect duty concerning a particular wrongdoer at a particular time, it still would not follow that the wrongdoer has a right to their foreswearing angry blame precisely because rights and obligations are not correlative.

[15] Even Kantians can embrace this claim because this motivation is consistent with acting in a praiseworthy manner. 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, 4:398).

In sum, my proposal about the imperfect duty integrates the sparing insight into the MLV, and similar views. Our common moral luck in part generates a duty to forgo overtly blaming from anger at least sometimes. This accommodates the behavioral part of the sparing insight to spare the wrongdoer overt blame from anger, and it also accommodates part of the affective feature of the sparing insight insofar as the imperfect duty requires making choices to move past anger at least sometimes. The remaining affective part of the sparing insight is at least partially accounted for by feelings of solidarity, fragility, and empathy that tend to melt anger when people reflect on the ways that luck has shaped them. But even if my proposal leaves out some feature of the sparing insight, the Aristotelian method just aims to integrate a kernel of truth from the common opinions—the sparing insight in our case—and my proposal achieves that modest goal.

3 Objections and Replies

Objection 1: My argument concludes a person should not give the full extent of the angry blame that the wrongdoer deserves each time she deserves it. But this does not follow. The blamer might be merciful in some other way than to completely forgo angry blame on some occasions. She might adopt a policy in which she gives only a small part of the deserved angry blame to the wrongdoer for each wrongdoing; accordingly, a large part of the deserved angry blame is forgone on each occasion. Thus, it does not follow that a person must entirely forgo overt angry blame at least sometimes.

Reply: The objector is correct, but it is not a problem. Either policy, to forgo sometimes the full degree of deserved overt angry blame or to forgo always some significant degree of the deserved overt angry blame, integrates a kernel of truth from the sparing insight into the MLV, and similar views.

Objection 2: Perfect duties must always be fulfilled. There is a perfect duty to blame angrily the blameworthy person. When perfect and imperfect duties conflict, the perfect duty trumps. Thus, there is no imperfect duty to forgo angry blame.

Reply: It is implausible that there is a perfect duty to give the blameworthy person the deserved angry blame. Plausibly, it is morally permissible to forgive at least sometimes. This is why philosophers construe the desert of blame not as generating a requiring reason but as generating a justifying reason to blame from anger (see Franklin, 2018, 36; McKenna, 2019, 256). Thus, the imperfect duty is undefeated.[16]

Objection 3: Even if Kant's reasoning for an imperfect duty of beneficence is correct in his assistance case, it does not apply to sparing blame in the moral luck case. These cases involve a difference in desert. The person in Kant's assistance case does not deserve to be in need, maybe her basic securities have been destroyed

[16] Kant himself sees no conflict here. Although Kant does think that there is a perfect duty for the state to punish wrongdoers (Kant 1996c, 6:333), he also thinks that we have an imperfect duty to forgive one another in our interpersonal relationships (Kant 1996c, 6:460–461).

by a tornado, but the person in the moral luck case deserves angry blame precisely because she is at fault.

Reply: Kant's reasoning remains compelling even if the person deserves to be in need. For example, if she is deceived by a con artist or gambles away her savings so that she lacks the means for subsistence, she would still rationally want others to help her satisfy her basic needs, and so she cannot consistently will that it is a law of nature that no one help those in need.[17]

Objection 4: This proposal is vulnerable to an objectionable sort of comparative arbitrariness. For example, suppose that Bill asks Jan, Yan, Anne, and Dan to pick him up from the airport at various times over a month, and each of them fails to pick him up in a way deserving of the same degree of blame.[18] Bill knows that each deserves the same degree of blame. Bill decides to fulfill the imperfect duty concerning Jan, Yan, and Anne by forgoing angry blame in their cases, but Bill gives Dan the exact degree of angry blame that he deserves. Dan has moral grounds for complaint: Bill's angry blaming treatment of him is arbitrary in comparison with his forgiving response to Jan, Yan, and Anne; after all, each of them deserves the same degree of blame. So, the imperfect duty is problematic for its comparative arbitrariness and so is any proposal that incorporates it.

Response: I deny that Dan has moral grounds for complaint. Dan's being angrily blamed by Bill is arbitrary in comparison with Bill's treatment of Jan, Yan, and Anne, but Dan's being angrily blamed is not itself arbitrary. Dan deserves that exact treatment from Bill. But this response changes if there is a history of Bill's giving Dan all the angry blame that he deserves. In that case, the rational end for good social relationships should guide Bill to have forgone angrily blaming Dan on that occasion, or at least Bill should be very attentive to forgoing it the next time that Dan wrongs him in a way for which he is blameworthy.[19]

Objection 5: Receiving angry blame in proportion to desert can be beneficial. So, it is rational to want to receive the angry blame that we deserve. Thus, we can rationally will to join an imagined social order in which it is a law of nature that everyone gets the full extent of the angry blame that they deserve. So, there is no imperfect duty to forgo angry blame.

Reply: My proposal does not undermine those benefits. The imperfect duty is consistent with sometimes angrily blaming the blameworthy person. But even when angry blame is forgone, many of its goods are attainable via non-angry blame. First, forgoing angry blame is compatible with continuing to *believe* that the wrongdoer has done wrong, which is the first step in holding a wrongdoer accountable. But such beliefs are, in my view, merely blame-adjacent since they lack what Pamela Hieronymi (2004, 115) calls the "special force" of blame that goes beyond mere

[17] The difference in luck in the tornado and con-artist characterizations of the assistance case is between what Dworkin (1981, 293) calls "brute luck" and "option luck." The former is unavoidable for all practical purposes and the latter influences voluntary choices and their consequences.

[18] I thank Felipe Pereira for offering this case.

[19] The policy of giving people only a little of the angry blame that they deserve on each occasion has the potential advantage of not being comparatively arbitrary, if the reader is worried about that comparative arbitrariness.

evaluation and involves a kind of "holding against" (Nelkin, 2016, 605). Second, forgoing angry blame is compatible with engaging in an anger-free conversation to *reform* the wrongdoer or *reconcile* with the wrongdoer (see Pereboom, 2014, 134). For example, one might engage the wrongdoer with feelings of surprise, sorrow, or disappointment about their wrongdoing, or one might demand repair of the relationship from the wrongdoer before the wrongdoer can rejoin the friendship in its fullness; such conversations and demands might also *deter* future wrongdoing. Third, forgoing angry blame is compatible with modifying one's relationship to the wrongdoer in anger-free ways to *protect* innocent parties, including one's self, from future manifestations of the wrongdoer's bad character (see Pereboom, 2014, 127–138; Scanlon, 2008, 122–152). For example, one might stop trusting wrongdoers with various kinds of tasks or put relational distance between them and one's self. Such blame can also deter and reform. Once we distinguish these three kinds of blame-like and non-angry blaming responses from angry blame, the objection loses its bite, because we can retain these beneficial aspects of blame (reformation, reconciliation, deterrence, and protection) even when we give the mercy we rationally desire from others.[20]

Objection 6: Even if there is an imperfect duty to spare angry blame, it cannot account for the sparing insight because it has nothing to do with luck. According to two prominent accounts of luck, an event is lucky only if it could easily have failed to occur (Pritchard, 2019) or only if its occurrence is improbable (Rescher, 2019). The two grounds from human nature that partially generate the imperfect duty (the inclination toward wrongdoing and being influenceable by luck) are neither modally fragile nor improbable. Thus, those grounds have nothing to do with luck. But if the imperfect duty is not even partially grounded in luck, the imperfect duty cannot explain the sparing insight—namely, how luck provides a reason of some kind to be sparing with blame.

Reply: I deny the premise that 'if the imperfect duty is not at least partially grounded in luck, the duty cannot explain the sparing insight'. Perhaps surprisingly, the moral luck debate is not about luck per se (Hartman, 2017, 23–31; see also Anderson, 2019; Statman, 2019). Almost all philosophers writing on moral luck employ the lack of control conception of luck in full knowledge that it is an inadequate definition of luck.[21] But lack of control is certainly a common feature—indeed, a paradigmatic feature—of lucky events. And it is precisely this paradigmatic feature of luck that is necessary and sufficient to generate the tension in our moral thinking that Bernard Williams (1981, 21–22) coined the term 'moral luck' to describe: the tension is in a person's being praiseworthy and blameworthy for

[20] Why is there not an analogous mercy for these three kinds of quasi-blame and blame? The reason is that it seems possible to rationally will universal laws concerning these kinds of blaming without thwarting our rational end for good social relationships. This is true in cases of believing a wrongdoer has done wrong and in sorrowful confrontation of the wrongdoer. It is true also, even if less obviously so, in the case of relational withdrawal for some time.

[21] Andrew Latus (2000, 167) offers the cannonical counterexample: it is outside of my control that the sun rose today, and so the lack of control definition implies that it is lucky for me that it rose. Intuitively, however, it is not lucky for me that the sun rose, and so the lack of control definition fails.

something that is beyond her control. Nothing important would be lost in this debate if we substituted 'moral lack of control' for 'moral luck'. But if the feature of luck highlighted in a definition of moral luck is the lack of control feature, the objection founders. It is features of human nature beyond the control of human beings that partially ground the imperfect duty; it is no problem for our purposes even if those features are metaphysically necessary features of human beings (Hartman, 2019b, 3186). Thus, even if Duncan Pritchard (2019) or Nicholas Rescher (2019) is correct about the nature of luck, it is beside the point, because the imperfect duty is grounded in the paradigmatic feature of luck, lack of control, relevant to the moral luck debate.[22]

4 Conclusion

The sparing insight is in tension with the MLV, and similar views. How can luck play a role in increasing the degree of a person's blameworthiness and in decreasing how much we should angrily blame that person? Proponents of the MLV, and similar views, can resolve this tension by appealing to an imperfect duty to spare overt angry blame, where the imperfect duty is generated in part due to common constitutive luck that inclines human beings regularly to act wrongly and to be influenceable by luck. So, although luck can increase a person's praiseworthiness or blameworthiness in certain ways, luck also partially grounds a normative requirement to forgo angry blaming the blameworthy person at least sometimes.

My proposal highlights a way in which the MLV is consistent with a more humane approach to blame than is often recognized (see Levy, 2019, 72n9). Consider, for example, how Gregg Caruso (2021) highlights the humaneness of responsibility skepticism. If luck universally undermines moral responsibility, this provides a reason to be humane to the killer driver, bribe taker, and racist who are all just mere victims of bad luck. But my proposal makes some progress in leveling the playing field. After all, the MLV not only treats the killer driver, bribe taker, and racist in a way that respects their dignity as morally responsible agents and appreciates at least some responsibility-relevant differences between at least some human persons, but it is also consistent with a luck-based normative reason to treat humanely the killer driver, bribe taker, and racist by forgoing angry blame at least sometimes.

[22] Here is a related objection from a referee: the imperfect duty has no special relation to the luck involved in the moral luck debate. Every position in that debate is consistent with the imperfect duty, and so the imperfect duty cannot adequately explain the sparing insight. In response, there are two major positions in the moral luck debate that rule out the imperfect duty. First, hard luck responsibility skeptics think that luck universally undermines moral responsibility (see Caruso 2021; Levy 2011; Strawson 1994); on that view, the imperfect duty to forgo deserved blame cannot arise because no one deserves blame in the first place. Second, counterfactual moral record proponents think that there are conflicting desert claims that undermine anyone's being a just recipient of legal punishment (see footnote 1), and the argument seems to extend to angry blame as well. So, there is, again, a prior moral reason why angry blame should be forgone.

It is worth connecting this article to my broader defense of moral luck. Elsewhere, I argue against various accounts of moral responsibility that imply the denial of certain kinds of moral luck (Hartman, 2017, 42–89; 2018; 2019b; 2020; 2023b; manuscript; Cyr and Hartman manuscript), provide positive reasons to embrace resultant, circumstantial, and constitutive moral luck (Hartman, 2017, 90–117; 2023b), and explain away intuitions that imply the denial of those kinds of moral luck (Hartman, 2017, 118–146; 2018, 176–180). This paper strengthens the third part of my case for the MLV by locating and integrating a kernel of truth from the sparing insight.[23]

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