

Moral Luck

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Andrew C. Khoury

Arizona State University

andrewckhoury@gmail.com

Abstract: The problem of moral luck arises due to a particular tension in our thought. On the one hand, we seem readily inclined to endorse the principle that moral responsibility, that is, one's praiseworthiness or blameworthiness, cannot be affected by luck, that is, by factors over which one lacks control. But, when we examine our actual practices, we find that our moral judgments are highly sensitive to luck. This resulting tension between principle and practice is the problem of moral luck, and an attempt to solve this problem is an attempt to resolve this tension. The article first explains the traditional characterization of the problem and reviews three general strategies in responding to it. It is then argued that we should characterize the problem in a slightly broader way. This refocusing turns out to have significant methodological implications.

Keywords: blameworthiness, control, luck, moral judgments, moral responsibility, praiseworthiness.

1. Introduction

The problem of moral luck arises due to a particular tension in our thought. Although we seem readily inclined to endorse the principle that luck cannot affect moral responsibility, our actual practices make judgments of moral responsibility highly sensitive to luck. For example, we punish successful murder attempts much more severely than unsuccessful ones. We harshly condemn the negligent driver who kills, without thinking twice about our own lapses of attention while driving. But such factors are largely a matter of luck—a matter of, for example, the skill of the surgeon that happens to attend to the victim of a murder attempt, or a matter of whether there happens to be a pedestrian crossing the street while one is fiddling with the car stereo. This resulting tension between principle and practice is the problem of moral luck, and

an attempt to solve this problem is an attempt to resolve this tension. Moral luck *exists* if luck can truly affect moral responsibility, and the question we face is whether or not moral luck exists. From the perspective of principle, moral luck should be impossible. But from the perspective of practice, it looks to be ubiquitous.

Because the problem of moral luck is intimately bound up with the notion of moral responsibility, let me briefly clarify that notion. Here and in what follows I will understand moral responsibility as the extent to which one is blameworthy or praiseworthy. Thus, the question is whether luck can affect one's blameworthiness or praiseworthiness: whether it can affect the appropriateness of blame or praise, in the sense of blame or praise being worthy. Such worthiness is typically understood as desert in the moral luck literature, although an increasing number of responsibility theorists take it to be a matter of fittingness, where an attitude is fitting when it is merited, apt, or correct.

I'll begin by explaining the problem of moral luck as it is traditionally characterized. Next, I review three general strategies for responding to the problem. I then argue that we should characterize the problem in a slightly broader way, by understanding moral luck in terms of contingency rather than control. This refocusing turns out to have a number of significant methodological implications, in light of the way in which the moral luck debate is revealed to relate to theorizing about moral responsibility more generally.

2. The Traditional Characterization

Contemporary discussion of “the problem of moral luck,” under that label, began in the latter half of the twentieth century with a pair of papers by Bernard Williams and Thomas Nagel.¹ Williams’ article was characteristically insightful and challenging, while it was Nagel’s clear characterization of the problem that has shaped the contemporary debate. Both authors drew attention to a phenomenon in which our practices conflict with our principles. For, as Nagel wrote, “Prior to reflection it is intuitively plausible that people cannot be morally assessed for what is not their fault, or for what is due to factors beyond their control” (1976, p. 58). In other words, most of us are inclined to accept what we can call

The Control Principle: Moral responsibility cannot be affected by factors over which one lacks control.

This principle, as Nagel emphasized, commands a great deal of intuitive plausibility. Additionally, a commitment to the Control Principle is suggested by patterns of ordinary excuse in which an acknowledgement that the agent lacked control appears to undermine the initial judgment of responsibility; for example, “I couldn’t help stepping on your toes, I was pushed.” Though it is difficult to offer an informative explanation of the appeal of the Control Principle, because it may be a bedrock intuition, it presumably has to do with the nature of this particular form of moral evaluation whose target is a person qua moral agent. As Nagel put it, “...when we

¹ See Williams (1976) and Nagel (1976). Recognition of the problem, however, has been around for much longer. For example, Feinberg (2003, p. 102) credits Plato with engagement with the closely related problem of criminal attempts. And it won’t take long engaging with the contemporary debate before one has committed to memory Kant’s oft quoted “sparkling jewel” passage (1785/1998, p. 8).

blame someone for his actions we are not merely saying it is bad that they happened, or bad that he exists: we are judging *him*, saying he is bad, which is different from his being a bad thing” (p. 58). Such judgments, it is thought, could only be fair or correct if the agent exercised control.

As compelling as the Control Principle is, it appears to conflict quite deeply with our patterns of moral judgment. For, as Williams and Nagel showed, our judgments of responsibility are frequently affected by factors over which the agent lacked control. “Where a significant aspect of what someone does depends on factors beyond his control, yet we continue to treat him in that respect as an object of moral judgment, it can be called moral luck” (Nagel, 1976, p. 59). Nagel argued that our patterns of moral judgment suggest a commitment to four kinds of moral luck:

Resultant moral luck. Resultant moral luck exists if resultant (non-moral) luck exists and can affect moral responsibility. Resultant (non-moral) luck is luck with respect to the consequences or results of our actions. For it appears that the consequences of our actions are always subject to factors over which we lack control. As Donald Davidson put it, in another context: “We never do more than move our bodies: the rest is up to nature” (1980, p. 59). A commitment to resultant moral luck is suggested by patterns of judgment according to which we think that successful murder should be punished more severely than mere attempted murder, or when we judge negligent drivers who kill to be far more blameworthy than equally negligent drivers who luckily do not. That is, it appears that the severity of our judgments of responsibility are

directly sensitive to the causal consequences of the actions, and these are factors over which we lack control.

Circumstantial moral luck. Circumstantial moral luck exists if circumstantial (non-moral) luck exists and can affect moral responsibility. Circumstantial (non-moral) luck is luck with respect to the circumstances that we find ourselves in. For we do not always choose the choice situations that we face; these are frequently affected by factors over which we lack control. Nagel's famous example was that of the German who was unlucky enough to face, and fail, the moral test of whether to become a Nazi collaborator. We judge such people harshly, far harsher than, for example, his counterpart who would have failed the test but was lucky not to face it because he moved to Argentina in 1930 for business. Or consider two judges equally disposed to corruption, but only one of whom is actually offered a bribe which he subsequently accepts.² He will face harsh moral judgment, whereas the other may face no moral judgment at all. More generally, a commitment to circumstantial moral luck is evidenced by our practice of holding people responsible for their choices in situations they did not choose to face and not holding responsible those who would have made the same choice, had they faced those circumstances.

Constitutive moral luck. Constitutive moral luck exists if constitutive (non-moral) luck exists and can affect moral responsibility. Constitutive (non-moral) luck is luck with respect to one's individual constitution, which largely depends on factors over which one lacks control, such as one's genes and environment. Some, for example, are born with a sunny disposition, while

² The example is from Thomson (1989).

others are born with a stormy one. A commitment to constitutive moral luck is evidenced by our practice of holding others directly responsible for aspects of their constitution, or for what they do as a result of their constitution, despite their lack of control over it.

Causal moral luck. Nagel finally considers a fourth kind of luck—what has come to be known as causal luck—which he links directly with the problem of free will. Causal moral luck exists if causal (non-moral) luck exists and can affect moral responsibility. Causal (non-moral) luck occurs if what we do is causally influenced by antecedent factors over which we lack control. Nagel’s initial description of this form of luck, as “luck in how one is determined by antecedent circumstances” (p. 60), has invited the interpretation that his concern is exclusively with *deterministic* causal influence.³ However, his remarks at the end of the essay suggest that this is not so: “Once we see an aspect of what we or someone else does as something that happens, we lose our grip on the idea that it has been done and that we can judge the doer and not just the happening. This explains why the absence of determinism is no more hospitable to the concept of agency than is its presence” (p. 69). What Nagel seems to be claiming is that because, whether or not determinism is true, everything we do is causally influenced by what we do not do, all our actions are subject to causal (non-moral) luck. And a commitment to causal moral luck is suggested by our practice of holding people responsible for what they do despite this.⁴

³ Hartman (2017, p. 3).

⁴ Those familiar with the free will debate may recognize this as a concern that the dilemma argument against free will is sound, rather than a narrower concern that hard determinism is true. And accounts of agent-causal libertarianism may be recognized as attempts to develop a conception of agency that is immune to such causal luck, while the “luck objection” to event-causal libertarianism may be recognized as the objection that causal

Nagel argued that “the intuitively acceptable conditions of moral judgment threaten to undermine it all” (p. 60). That is, consistent application of the Control Principle leads to moral responsibility skepticism. For consider the following chain of reasoning. Suppose that one is first confronted with cases of apparent resultant moral luck. In response, one attempts to vindicate the Control Principle and escape a commitment to moral luck by claiming that what we are fundamentally responsible for are not the good or bad consequences of our actions, but our intentions. Our intentions, one might claim, are not subject to resultant luck; instead, they are under our control. But now it appears that our intentions themselves are subject to a different form of luck: circumstantial luck. What intentions we form depends on the circumstances we face, which is largely out of our control. Confronted with this worry, one might attempt to vindicate the Control Principle and escape a commitment to moral luck by appealing to the claim that we are fundamentally responsible, not for our intentions, but for our character. While particular intentions are subject to circumstantial luck, one’s character arguably is not. Whether or not a judge is actually offered a bribe which he subsequently forms an intention to accept, the disposition to accept the bribe, if offered, remains. But that disposition is subject to yet another form of luck—constitutive luck—because one’s dispositions themselves are due to factors over which one lacks control, such as one’s genes and environment. Indeed, whether or not the causal structure of the universe is deterministic or indeterministic, our very place and role in the causal web is subject to luck. As Nagel eloquently put it in a frequently quoted

moral luck exists on those accounts. In this way, many of the debates within the free will literature can be understood as moral luck debates.

passage, “The area of genuine agency, and therefore of legitimate moral judgment, seems to shrink under this scrutiny to an extensionless point” (p. 66).

Thus, an attempt to retain the Control Principle by rejecting the patterns of practice with which it conflicts, seems to lead to the unwelcome consequence of moral responsibility skepticism. Perhaps, then, we should instead reject the Control Principle? Nagel maintains that doing so would lead to an equally unwelcome consequence:

What rules out this escape is that we are dealing not with a theoretical conjecture but with a philosophical problem. The condition of control does not suggest itself merely as a generalization from certain clear cases. It seems *correct* in the further cases to which it is extended beyond the original set. When we undermine moral assessment by considering new ways in which control is absent, we are not just discovering what *would* follow given the general hypothesis, but are actually being persuaded that in itself the absence of control is relevant in these cases too. The erosion of moral judgment emerges not as the absurd consequence of an over-simple theory, but as a natural consequence of the ordinary idea of moral assessment, when it is applied in view of a more complete and precise account of the facts (p. 59).

The problem of moral luck has been thought to leave us with two unattractive choices. Either we stick with the Control Principle and accept the consequence of moral responsibility skepticism, or we avoid skepticism by rejecting the Control Principle but are left with a conception of responsibility that is subject to luck and which is, for that reason, deeply disturbing. There appears to be no way to resolve the tension between principle and practice that is not radically revisionary.

3. Responses

A response to the problem of moral luck is an attempt to resolve the tension between the Control Principle and our particular judgments. Nagel and Williams left this tension unresolved, but others have attempted resolution by adopting one of three general strategies.

Denial

The first strategy is denial. According to this strategy, the appearance of moral luck is illusory; it does not actually exist. Theorists who adopt this strategy attempt to resolve the conflict between principle and practice, by going with principle and rejecting or revising practice. Robert Hartman (2017) helpfully distinguishes between two different versions of the denial strategy.

The first version accepts the conclusion of Nagel's skeptical argument. That is, it accepts that one's moral responsibility cannot be affected by factors over which one lacks control, and that all aspects of our agency are affected by factors over which we lack control. The conclusion here is responsibility skepticism. For example, Galen Strawson (1994), in a spirit sympathetic to Nagel's skeptical argument, argues that responsibility requires that we be ultimate self-creators. But we are not such *causa sui*, therefore responsibility is impossible. Though he doesn't put it in these terms, the thought seems to be that constitutive luck is inescapable and that such luck is incompatible with responsibility.⁵

A second version attempts to retain a commitment to the Control Principle in a way that does not slide into full blown responsibility skepticism. An influential example of this strategy is Michael J. Zimmerman's (2002) counterfactual account. Very roughly, according to Zimmerman

⁵ See also Levy (2011).

we are morally responsible not in virtue of what we in fact do, but in virtue of *what we would have freely done* but for some factor over which we lack control. For instance, the negligent driver who is lucky that there is no pedestrian in the street, still would have freely killed the pedestrian had a pedestrian been present. Thus, on Zimmerman's account the lucky and unlucky drivers are equally responsible in virtue of the truth of these counterfactuals.

Zimmerman goes on to explain away the appearance of moral luck as due to a confusion between *degree* and *scope* of responsibility. While there is a difference in the scope of the lucky and unlucky drivers' responsibility because one is responsible *for a death* while the other is not, there is no difference in degree. Zimmerman claims that "degree of responsibility counts for everything, scope for nothing" (p. 568). He then applies the same basic strategy to the other forms of moral luck. Zimmerman thus takes (the non-skeptical) denial of moral luck to its "logical conclusion" (p. 559). Doing so, however, has strong revisionary implications in that we all turn out, in effect, to be both maximally blameworthy and maximally praiseworthy, because for nearly any possible action it is true that we would have freely committed it but for some factor over which we lack control.⁶

The primary benefit of the denial strategy is that it can retain an unqualified commitment to the Control Principle. The cost of doing so, however, is that we must radically reject or revise our actual practices.

Acceptance

⁶ Given this, it is not clear that there turns out to be much of a functional difference with the skeptical denial strategy. In either case, *differences* in responsibility amongst agents are (largely) ruled out.

The second strategy is acceptance. With respect to the conflict between principle and practice, this strategy sticks with practice while rejecting or revising principle. For example, Margaret Urban Walker (1991) argues that there are a number of “virtues of impure agency,” such as a particular conception of integrity, which are themselves virtuous responses to the existence of moral luck. In this way, she argues that “the reality of moral luck alone makes sense of an important arena of assessment” (p. 18). Our initial apparent attraction to the Control Principle is due, she argues, to an unrealistic Kantian conception of agency.

Another prominent defender of the acceptance strategy is Hartman (2017; 2020). He argues that we should accept moral luck, in part, by systematically objecting to each of the various rival views. He then develops a positive argument that draws on epistemological considerations, arguing that because there is epistemic luck and that epistemic luck is relevantly analogous to constitutive and circumstantial moral luck, we have good reason to accept these forms of moral luck as well. Finally, his “parallelism argument” defends the claim that if we accept circumstantial moral luck, then we should also accept resultant moral luck. A claimed virtue of this positive argument is that, unlike most arguments for moral luck, it does “not bottom out in standard pro-moral luck intuitions” (2017, p. 90).

The primary benefit of the acceptance strategy is that it does not seek to significantly revise the judgments of practice. But a primary challenge is to explain the normative significance of a conception of responsibility that is not bound by the Control Principle. For, critics question, how can our practices of allotting blame and praise be ultimately fair or correct if responsibility can be affected by factors over which we lack control?

Mixed Approach

A third strategy questions the idea that we must take a one-size-fits-all approach to the various forms of moral luck. Many theorists do not see all forms of moral luck as on a par in terms of plausibility. For example, when presented with the resultant luck case of the two drivers, one of which kills while the other by luck does not, many find it strongly intuitive that there is no difference in responsibility. However, when presented with examples of constitutive luck, say that of a person with the lucky constitution of a compassionate schoolteacher and another with the unlucky constitution of a sadistic murderer, many are far less inclined to judge that there is no difference in responsibility. The mixed approach attempts to develop a view that explains this. This is sometimes also referred to as a “line-drawing” strategy insofar as the idea is that we should draw a line between those forms of moral luck that exist from those that do not. While most such theorists deny the existence of resultant moral luck and accept the existence of constitutive moral luck, they differ with respect to the existence of circumstantial moral luck.⁷

For example, “the character view” holds that we are fundamentally responsible for aspects of our character.⁸ Thus insofar as responsibility is taken to be a matter of character, this view would deny those forms of moral luck that do not affect character, such as resultant moral

⁷ As for causal moral luck? If causal luck is understood in terms of causal influence, whether deterministic or indeterministic, then it would seem that all such causal influence must proceed either via the agent’s constitution or circumstance. Thus it would seem that all causal luck is either constitutive or circumstantial luck, and so anyone who accepts constitutive or circumstantial moral luck will thereby accept causal moral luck (see Nelkin [2021, Sec. 4.2.2.1]). On the other hand, if one takes causal luck to exclusively concern deterministic causal influence, as Hartman (2017) does, then one’s position on causal moral luck will be a matter of one’s position on the truth of compatibilism. As it happens, most of the literature on moral luck has set causal luck largely to the side, to be addressed by those engaged in the free will debate.

⁸ Rescher (1993); Thomson (1989). See Enoch (2019) for a particularly clever argument for a view in the vicinity.

luck and circumstantial moral luck (at least in cases in which character is not affected by circumstance⁹). However, it may well accept constitutive moral luck insofar as this form of luck does directly affect character. In this way the character view typically places the line between constitutive moral luck, which it accepts, and circumstantial and resultant moral luck, which it denies.

An alternative version of the mixed approach takes its inspiration from remarks by Adam Smith (1759/1976, II.iii.intro.3) and Immanuel Kant (1785/1998, p. 8), holding that we are fundamentally responsible for our intentions or willings.¹⁰ Thus insofar as responsibility is taken to be a matter of one's intentions or willings, such a view would deny those forms of moral luck that do not affect intentions or willings, such as resultant moral luck. However, this view may well accept those forms of moral luck that can directly affect intentions or willings themselves, such as constitutive and circumstantial moral luck. This view, then, would typically place the line between resultant moral luck, which it denies, and the other forms, which it accepts.

The primary benefit of a mixed approach is that it can deny those forms of moral luck that are thought to be particularly implausible, such as resultant moral luck, while accepting those that are thought to be less implausible, such as constitutive moral luck.¹¹ The primary challenge, however, is to properly motivate the line drawing. Critics, from both the denial and acceptance camps, argue that any such line drawing is not well motivated because the factors on either side of the line are still factors over which the agent lacks control.

⁹ That is, such theorists might place a line within the category of circumstantial moral luck, between those cases in which character is not held fixed across the comparisons (e.g. the two Germans, arguably) and those in which it is held fixed (e.g. the two judges). See Nelkin (2019).

¹⁰ Khoury (2012; 2018).

¹¹ And so avoids, for example, the radical implications associated with denying constitutive moral luck.

4. Refocusing the Problem: From Control to Contingency

What has been covered so far is simply the debate as it has been traditionally characterized. I now want to argue that we should engage the problem from a slightly broader perspective by characterizing moral luck, not in terms of control, but in terms of contingency. This will suggest a number of methodological points, in light of the way in which the moral luck debate is revealed to relate to theorizing about moral responsibility more generally.

The first step towards the sort of refocusing I have in mind involves asking ourselves what the problem of moral luck most fundamentally consists in. The traditional characterization has it that the problem involves a tension between our particular judgments of responsibility and the Control Principle. If this were correct, then presumably there would be no *personal* problem of moral luck for those who lacked an attraction to the Control Principle, for then there would be no tension between it and one's patterns of moral judgment in need of resolution.

But this implication is, I think, far too restrictive. Let us imagine a budding young philosopher coming to this debate for the first time, call him Ari. Suppose that Ari has been recently introduced to the problem of moral luck by his philosophy professor. The professor begins by asking the class, "Can moral responsibility be affected by luck?" Ari, along with the majority of his classmates, shakes his head "no." Yet as the professor proceeds to point out common patterns of judgment and practice, such as the policy of punishing successful murder more harshly than attempted murder, he comes to realize that a number of his own judgments are in tension with his initial belief that luck cannot affect responsibility. For example, when

reading recently about a drunk driver who was involved in a fatal collision, he found that he condemned the driver quite strongly and believed that a lengthy prison sentence was appropriate. But he also frequently enjoys a few drinks, and has on occasion found himself behind the wheel while a bit too tipsy. He's not exactly proud of this, but certainly never saw it as a major stain on his soul. But now, directly confronted with the problem of moral luck, he considers the cases side by side for the very first time, imagining an unlucky driver who is exactly as negligent as he has been but who has the misfortune of finding a pedestrian in his path home from the bar. When he reflects on these two cases in unison, he finds that he cannot sustain belief that there is a difference in responsibility. Ari, then, has uncovered a tension in his thinking between his belief that luck cannot affect responsibility and his discovery that it does affect many of his judgments.

His professor explains that the reason we find it intuitive in such cases that there is no difference in responsibility is because we are attracted to the Control Principle. Ari reflects on the Control Principle for a bit, but thinks "no, that's not quite it." For him, that is not the correct explanation of his own judgment that there is no difference in responsibility between the equally negligent drivers. He is fully aware that that some of his classmates do find the Control Principle to be unassailable, such as his outspoken classmate Manny. But ever since their module on free will, he has thought that Manny has an inflated and metaphysically questionable conception of freedom.¹² To Ari, there is a different explanation of the tension in his thought. When asked by the professor why he thinks that the lucky and unlucky negligent drivers are equally blameworthy, he answers: "Well, because they were equally negligent. The

¹² As we will see, I am imagining Ari to have broadly Aristotelian sympathies while Manny has Kantian ones.

fact that one killed and one didn't was just a matter of luck, for they both have the same negligent character." After a bit more reflection, Ari is inclined to believe that the correct explanation of his own judgment of equal responsibility in such cases is due to what he provisionally formulates as

The Character Principle: Moral responsibility cannot be affected by factors external to character.

Let me emphasize that I am not imagining Ari as having entered the class with a settled conviction in the Character Principle. Prior to entering the class he had no settled theory of responsibility. Instead, he had a not wholly consistent set of beliefs involving responsibility. Some of these conflict with the Character Principle such as his tendency to judge negligent driving more harshly when it leads to a death, while some mesh quite well with it such as his vague and as of yet unarticulated sense that character is fundamental to some modes of agential value. After being confronted with some of the standard moral luck cases, he formulates some additional judgments (e.g. that equally negligent drivers are equally blameworthy). He then comes to formulate a provisional normative principle, the Character Principle, that aims to plausibly explain, systematize, and guide his moral judgments. Ari, then, only lands on the Character Principle after being confronted with the problem of moral luck.¹³

¹³ I am thus imagining Ari as beginning to attempt to bring his beliefs about moral responsibility into a wide reflective equilibrium. See DePaul (2006).

His professor responds by telling him that no, whatever tension it is that is involved in his thinking this is clearly not an instance of the problem of moral luck because the problem of moral luck essentially involves the conflict between our particular judgments and the Control Principle: "...in order to engage in the debate as found in Kant and Nagel and many others, moral luck must be understood as in contrast to control" (Nelkin, 2021, Sec. 1). Furthermore, the professor continues, notice that one's character is also a matter of luck. While Ari readily admits that we don't have complete control over the formation of our character (any scientifically realistic view must admit as much, he thinks), he doesn't find the possibility of such constitutive moral luck to be nearly as implausible as the possibility of resultant moral luck. And while he would say that the presence or absence of a pedestrian in the street is clearly *merely a matter of luck* so far as the drivers are concerned, he wouldn't quite say that one's moral character is also *merely a matter of luck*. Though he can't exactly put his finger on it, something about the locution strikes him as infelicitous. Ari leaves class feeling a bit discouraged by the professor's dismissal, but also engrossed in thinking about these hard cases, striving to work out a systematic account of what to say about the various forms of moral luck in terms of character.

So ends this little scene. Now the question I'd like to raise is what do we say about Ari, and others like him? Notice that it is clear that *Manny* is engaged in the problem of moral luck insofar as he has discovered and is seeking to resolve a tension in his thought between the Control Principle and his patterns of moral judgment. Less clear is what we should say about Ari, because the tension in his thought doesn't obviously implicate the Control Principle. Instead, he has uncovered a tension between his patterns of judgment and the Character

Principle. Given this, should we describe him as one who is *personally* engaged with the problem of moral luck? Or is the professor correct to dismiss Ari's attempt to bring to light and resolve the tension in his thought, as not engaging with the true problem of moral luck? Put another way, is this token instance of tension in Ari's thought best characterized as within the scope of the problem of moral luck qua phenomenon typically described in first-personal plural terms (e.g. as a tension in *our* thought)? And should we regard Ari's attempt to resolve his own tension in a systematic way as an attempt to develop *a response* to the problem of moral luck?

Before we attempt to answer, let us take stock of some of the data points. First, Ari does discover a tension in his thought between principle and practice when confronted with some of the standard moral luck cases. Recall that both Ari and Manny shook their heads "no" when the professor began the class by asking "Can moral responsibility be affected by luck?" That is, both Ari and Manny find themselves initially attracted to what we can call

The Anti-Luck Principle: Moral responsibility cannot be affected by luck.

At this level Ari and Manny have much in common: They both are inclined to accept the Anti-Luck Principle, they both discover that this principle is in tension with their patterns of moral judgment, and they both are motivated to resolve this tension in a systematic way.

Of course, they differ in significant ways as well. In particular, they are inclined to offer differing characterizations of the sense of luck implicated in the Anti-Luck Principle when pressed. Manny is inclined to agree with his professor and characterize the relevant sense of luck as a lack of control. This conception of luck, when combined with the Anti-Luck Principle,

yields the Control Principle. However, Ari, when pressed, reflects on his earlier explanation of his own judgment that the two drivers are equally responsible: “the fact that one killed and one didn’t was just a matter of luck, for they both have the same negligent character.” He then provisionally suggests instead that something is a matter of luck, in the relevant sense, when it is external to character. This view, when combined with the Anti-Luck Principle, yields the Character Principle. Notice, then, the way in which an account of the luck in the Anti-Luck Principle goes hand in hand with a particular version or instantiation of the Anti-Luck Principle. So while both Ari and Manny are attracted to the Anti-Luck Principle, they fill out this principle in differing ways according to their differing conceptions of the sense of luck implicated in it.

Ari and Manny thus both find, and are motivated to resolve, a tension in their thought between the Anti-Luck Principle and their patterns of moral judgment. However, because Manny, but not Ari, characterizes the sense of luck in the Anti-Luck Principle as lack of control, only Manny’s tension is a tension between the Control Principle and his patterns of judgment. Thus, according to the traditional characterization Manny, but not Ari, is personally engaged with the problem of moral luck. And further, only Manny’s, but not Ari’s, attempt to resolve the tension can be described as a candidate response to the problem of moral luck. Having clarified that the difference between Ari and Manny stems from their differing characterizations of the sense of luck implicated in the Anti-Luck Principle, I now want to ask whether the prioritization of the lack of control conception implicit in the traditional characterization can be defended.

Hartman (2017, pp. 23-41) has recently defended the lack of control conception, which he aptly calls the Standard View of Moral Luck. Critics argue that the lack of control conception is an inadequate account of the luck in moral luck because it is an inadequate account of luck in

general. For example, because I lack control over the rising of the sun, the lack of control conception implies that the rising of the sun is lucky for me. But, these critics contend, this is the wrong result; the rising of the sun is not lucky for me. Such alleged counterexamples are taken to motivate appeal to alternative conceptions of the luck in moral luck, which, these critics contend, are better accounts of luck in general. The problem with such alternative conceptions, Hartman argues, is that they are at a loss to explain why the prospect of *moral* luck is inherently puzzling or paradoxical. He argues that “because the moral luck debate is about not luck per se but a tension in our ordinary thinking about moral responsibility” (p. 24), an adequate conception need not be able to account for all uses of the term luck. Instead, it must meet, what he calls, *the paradox criterion*. That is, an adequate conception should at least appear to generate the paradox to which Nagel and Williams drew our attention (p. 25). Hartman argues that such alternative conceptions fail to meet this standard. Some fail to pick out only paradoxical phenomena while others fail to pick out all the relevant paradoxical phenomena (pp. 25-29). He concludes that “this apparent paradox is preserved by and only by the lack of control conception of luck” (p. 16).

I agree with Hartman that an adequate conception of the luck in moral luck does not need to be able to explain all uses of the term ‘luck,’ but that it does need to explain the tension in our thought in which the problem consists. I will shortly provide an additional defense of this claim. But before I do that, I want to ask whether Hartman is correct that such considerations support the lack of control conception? Notice that though the lack of control conception picks out a conception of luck that is apparently opposed to responsibility in the thought of people like Manny (and Nagel), it does not do so for people like Ari. I contend that in

addition to meeting the paradox criterion, an adequate conception of luck should also meet what we might call *the Ari criterion*.¹⁴ That is, it should, in contrast to the lack of control conception, count *both* Manny and Ari as engaged with the problem of moral luck. What's more, it should treat as engaged *not only* people like Manny and Ari, but *anyone* with an alternative conception of the luck in the Anti-Luck Principle that generates a normative principle which they find to be in tension with some of their moral judgments when presented with some of the standard moral luck cases.¹⁵

A conception of luck that implies that people like Manny but not Ari are engaged in the problem of moral luck arbitrarily characterizes the problem more narrowly than that of which the philosophically interesting phenomenon admits. This, in turn, gives rise to a premature dismissal of possible responses to the problem. But we cannot simply dismiss the possibility that Ari's attempt to resolve his own tension will yield an overall more plausible view of what to say about the standard moral luck cases than Manny's. Perhaps Ari's response should be rejected, but this should be done only *after* engaging with it qua response to the problem of moral luck.

To illustrate, consider Hartman's (2020) objection to a view like Ari's. This view, which Hartman refers to as the Non-Voluntarist Character Response (NVCR), holds that agents are fundamentally responsible in virtue of aspects of their character, even those acquired non-voluntarily. Hartman objects to NVCR because it fails to meet one of his "success conditions"

¹⁴ While we might instead simply describe this as a call to widen the scope of the paradox criterion, this label allows me a handy way to refer to the need to explain, in particular, the tension in people like Ari.

¹⁵ For example, consider another classmate, Andy, who suggests that something is a matter of luck insofar as it is external to one's willings.

for an adequate “moral luck solution” (according to which some forms of moral luck exist).

According to Hartman, one such success condition is that the account needs to explain “why the revised control condition is the one about which we have always cared” (p. 111). But,

Hartman argues, NVCR does not meet this success condition:

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 (p. 111).

What Hartman appears to be assuming here is that any responsibility principle put forth in response to the problem of moral luck must, in effect, vindicate the spirit of the Control Principle. That is, while he allows that an adequate response to the problem may well need to *revise* the Control Principle, as his own view does, it cannot wholly *replace* the Control Principle; it must still hold that control is fundamentally relevant to responsibility in some deep way. The problem, dialectically speaking, is that though this is a largely undefended assumption it is not treated as such. Instead, Hartman appeals to this claim to raise what he apparently takes to be a substantive objection to NVCR. In effect, however, his case against NVCR is a dismissal cloaked as an objection. Hartman’s response to NVCR is that he assumes that it fails, because it fails to meet his stipulated success condition. This is to dismiss, rather than engage, the view.¹⁶

¹⁶ Another way to see this dismissal is to look at Hartman’s characterization of the problem. He characterizes the problem as a clash of contradictory intuitions, but then, characteristic of the traditional characterization, characterizes the anti-luck intuition as the Control Principle (2020, p. 105, p. 107 fn. 4). But this is not an intuition

Thus, in order to avoid such a premature dismissal of possible responses to the problem, I take it that an adequate conception of luck should meet the Ari criterion in addition to the paradox criterion. Ari, as well as Manny, discovers a tension in his thought between the Anti-Luck Principle and his patterns of moral judgment. And he is moved towards his character view precisely in response to being confronted with the standard moral luck cases. A conception of the luck in the Anti-Luck Principle that yields the judgment that Ari is not engaged with the problem of moral luck and that the view he begins to develop directly *in response* to being confronted with the problem is not itself *a response* to the problem, is to cast the problem in an arbitrarily narrow way which results in premature dismissal of responses that dialectically merit engagement.

But the lack of control conception of luck does not meet the Ari criterion; it cannot explain the token instance of tension for people like Ari. On the other hand, notice that Ari's conception of luck as external to character explains his own tension, but fails to meet the paradox criterion. The question, then, is whether there is a conception of luck that can meet *both* constraints. For only then, I contend, would the account pick out a phenomenon with the proper scope.

We appeal to the notion of luck in a variety of contexts. For example, we naturally say that a person is *lucky* to have won the lottery. Reflection on cases like this, as well as the sunrise example mentioned earlier, motivate the idea that two necessary conditions on luck are

we can expect proponents of NVCR to have. Hartman thus formulates the problem in a way that is not acceptable to his intended interlocutors.

While I think Hartman's assumption is unfounded in the dialectical context, one *can* reasonably press the point that NVCR would be strengthened if it could offer an explanation of the appeal of the Control Principle. Hartman assumes that such an explanation must be a vindicating one, but it is open to the proponent of NVCR to attempt to explain away this appeal via an error theory.

significance and *chanciness*. Critics contend that the lack of control conception is an inadequate account of luck because it does not include these necessary conditions. I lack control over the rising of the sun, but this event is not lucky because it is not chancy (there is no substantial chance of its non-occurrence). I lack control over whether the number of hairs on your head at 12 noon is odd or even but this is not lucky because it is not significant. Consider Neil Levy:

It may even be metaphysically chancy...whether I have an odd or an even number of hairs on my head at 12 noon. Nevertheless, it would be strange to say that it is a matter of luck whether I have an odd or even number of hairs on my head at 12 noon, because we generally reserve the appellation 'lucky' for events or processes that matter...To my surprise, an anonymous referee for OUP does not share the intuition that lucky events must be significant for the agent. It seems to me odd, to say the least, to say that I am lucky to find that the coin I just drew out of my pocket came out tail first...So far as I can tell, everyone else is on my side on this issue (Levy, 2011, p. 13).

One straightforward explanation of the differing intuitions between Levy and this anonymous referee is that there are just different senses of luck, some of which implicate a significance condition while others don't. While I agree with Levy that it would sound strange to claim that I am positively *lucky* to have an odd number of hairs on my head at 12 noon, it seems far less strange to claim that whether the number of hairs on my head at 12 noon is odd or even is, for me, *simply a matter of luck* (and I suspect that the anonymous referee would agree). Plausibly, the former locution implicates a significance condition while the latter doesn't. Presumably, this is because the former has a normative valence that the latter does not.

We sometimes appeal to the idea of something being "simply/merely/just a matter of luck" to express a *relational contrast*. For example, consider the claims "success is simply a matter of luck, not hard work," "it was merely a matter of luck that you didn't get the job, you

were clearly the most qualified,” or “the fact that his belief was true was just a matter of luck.”

These claims can be naturally understood as expressing, respectively, that success is a matter of luck *relative to* hard work, getting the job was a matter of luck *relative to* one’s qualifications, and that one’s belief was true was a matter of luck *relative to* one’s justification or evidence. To say that X is a matter of luck relative to Y, in this sense, is just to say that X isn’t a matter of Y.

I contend that paradigm use of the term “luck” in response to the standard moral luck cases expresses such a relational contrast where the contrast is between some factor (results, circumstances, constitution, etc.) and *responsibility*. Both Ari and Manny make the following sorts of judgments: “the equally negligent drivers are equally blameworthy because the presence or absence of a pedestrian is *merely a matter of luck*,” “the two judges are equally blameworthy because it was *simply a matter of luck* that one had the opportunity to take the bribe.” Notice that for those who deny resultant moral luck, such as both Ari and Manny, results are taken to be “simply a matter of luck” *in general*, whether significant or insignificant, modally fragile or modally robust (and the same is true with respect to the denial of other forms of moral luck). Therefore, when such people claim that some factor is “simply a matter of luck” they can’t plausibly be expressing that the factor is both significant and chancy. Instead, what is being primarily expressed in such contexts, and which is being proposed as *an explanation* of the judgment of equal responsibility, is, I think, that the alleged luck-sensitive factor is *irrelevant* relative to any particular instance of responsibility in the context; it plays no explanatory or grounding role with respect to the responsibility of the agents in question. Of course, Manny would claim this is so because the factor is one over which the agent lacks

control, while Ari would claim that it is because the factor is external to character. But, I take it, these are competing explanations of the irrelevance on which they agree.

Construing the luck in moral luck in terms of irrelevance to responsibility has a clear predecessor in Susan Hurley (2003). Hurley distinguishes between what she calls thin and thick luck. According to her, “thin luck is simply the inverse correlate of responsibility” (p. 107), while thick luck involves some more substantive conception, such as lack of control, the sort of luck involved in a fair lottery (p. 108), or, I would add, luck as external to character. She advocated for the use of a thin notion of luck in moral and political philosophy as a “frank piece of conceptual legislation” (p. 116). This may have encouraged the idea that one is free to simply reject her suggestion, which may explain the relative lack of engagement with her notion of thin luck in the moral luck literature. However, I’m arguing, in effect, that construing the luck in moral luck as thin luck is not mere conceptual legislation. Rather, it emerges naturally from paradigmatic use of the term in the relevant contexts. Now, can we say anything more about this notion beyond characterizing it in terms of irrelevance to, or the inverse correlate of, responsibility?

Interestingly, Williams himself provides a clue.¹⁷ While Williams did sometimes discuss luck in relation to control, he also frequently discussed it in relation to *contingency*: “Anything which is the product of happy or unhappy contingency is no proper object of moral assessment,

¹⁷ It’s worth noting that in the first sentence of Nagel’s article he attributes to Kant belief in what I’ve called the Anti-Luck Principle (1976, p. 57). But by the second sentence of the second paragraph (p. 58) he has already moved on to the more specific Control Principle and its corresponding conception of luck as lack of control. And with the exception of the critics mentioned earlier, the vast majority of the participants in the moral luck debate have unquestioningly followed Nagel. Williams, on the other hand refrained from offering an analysis of luck: “I shall use the notion of ‘luck’ generously, undefinedly, but, I think, comprehensibly. It will be clear that when I say of something that *it is a matter of luck* this is not meant to carry any implication that it is uncaused” (1976, p. 37, italics my own).

and no proper determinant of it either” (1976, p. 35). And in his “Postscript” he clarifies that he expected the notion of moral luck to be taken to be incoherent: “When I introduced the expression *moral luck*, I expected it to suggest an oxymoron” (1993, p. 251).

Taking these thoughts seriously suggests a conception of luck in terms of contingency, and on which it does turn out to be true that the idea that luck can affect responsibility is incoherent. Here is my proposal:

The Contingency Conception of Luck: Something is a matter of luck (relative to an agent’s responsibility) if and only if it is contingently related to what matters for (that agent’s) responsibility.

The contingency conception says that something is a matter of luck, relative to the particular instance of responsibility under consideration, just in case it is contingently related to what matters for responsibility, in the sense of what actually grounds or determines that particular instance of responsibility. This is a conception of luck that can be accepted by both Ari and Manny because it represents what they have in common when they claim that something is a matter of luck. When Ari and Manny claim that results are simply a matter of luck, they are claiming that results are not amongst the factors that ground the responsibility of the agent in question. That both Ari and Manny can accept this conception of luck, in turn, implies that the characterization of the problem implied by the contingency conception will count them both as engaged with the problem. This is because when the contingency conception is combined with the Anti-Luck Principle, it yields the following principle:

The Non-Contingency Principle: Moral responsibility cannot be affected by factors that are contingently related to what matters for responsibility.

This is a principle that will be accepted by both Manny and Ari, and which is in tension with their patterns of judgment. For example, when initially confronted with the resultant luck cases, both Manny and Ari discover that their judgments of responsibility are sensitive to factors that are only contingently related to what they, on reflection, judge to matter for responsibility. For Manny these are factors over which the agent lacks control, while for Ari these are factors that are external to character. Thus, they both find that their patterns of judgment, when confronted with some of the standard moral luck cases, are in tension with the Non-Contingency Principle. The contingency conception, then, meets both the Ari criterion and the paradox criterion.

Further, the contingency conception gives rise to a principle that can be accepted by all parties to the debate because it does not presuppose a substantive conception of what matters for responsibility. It thus gives rise to a characterization of the problem with the proper scope, for it will include anyone who discovers a tension amongst their beliefs about what matters for responsibility and their patterns of judgment when faced with the standard moral luck cases. Indeed, because it is necessarily true that luck, on the contingency conception, cannot affect responsibility (= The Non-Contingency Principle), the idea of moral luck, on this conception, involves a contradiction. The contingency conception thus vindicates Williams' expectation that the notion of moral luck turns out to be an oxymoron.

The foregoing discussion reveals that the moral luck debate is, at bottom, a debate about what fundamentally matters for responsibility. By confronting us with a set of hard cases, it invites us to seek clarity and consistency about what we think matters for responsibility. And it does this by inviting moral, modal reflection.

Notice that the standard moral luck cases all involve, or naturally suggest, direct modal comparisons. We are invited to test whether a given factor (e.g. results, circumstances, constitution) is a matter of luck_{contingency}, by comparing a case in which that factor is present to another in which it is not, holding everything else fixed. If we intuit no difference in responsibility between the cases, then the factor is truly a matter of luck_{contingency}. If, on the other hand, we intuit a difference in responsibility then we may conclude that the factor is not simply a matter of luck_{contingency}—it is not merely contingently related to what matters, it itself matters. I thus take it that such contingency is a necessary condition for an adequate conception of thin luck, that is, luck that is irrelevant to, or the inverse correlate of, responsibility. If something is truly a matter of luck in this sense, then it must make no difference to the particular instance of responsibility under consideration. And if this is so, then it must be “metaphysically separable” from the factors that ground that particular instance of responsibility. And this simply amounts to the claim that the factor is contingently related to those grounding factors; the factor could be removed from the situation without thereby affecting that particular instance of responsibility. I further take it that such contingency is also sufficient for an adequate conception of thin luck that can be accepted by all parties to the debate, because giving these contingent factors any more of a substantive characterization (e.g.

lack of control, external to character, etc.) will presuppose some particular conception of what matters for responsibility *which is exactly what is at stake in the debate*.

What I've tried to achieve with this refocusing is to come to a characterization of the problem of moral luck that doesn't beg any questions as to what matters for responsibility. And in particular, I've tried to carve out dialectical space for those, like Ari, who are less impressed with the Control Principle than people like Manny.¹⁸ However, one might wonder whether this characterization itself begs the question against those who defend the existence of moral luck. For on the contingency conception, it is trivially true that moral luck doesn't exist because it's incoherent. In response, I don't think this characterization begs the question against the defender of moral luck in any substantive sense. Rather, it simply redescribes the central questions.¹⁹ Rather than asking, for example, whether resultant moral luck_{control} exists, the contingency conception asks whether or not results are merely a matter of luck_{contingency}. Those who affirm the existence of resultant moral luck_{control} on the traditional characterization, are described as those who believe that results are not merely a matter of luck_{contingency}.²⁰ The question then, on this characterization, is not whether moral luck is real or illusory, but how widely or narrowly we conceive of the factors that are merely a matter of luck_{contingency}. Those who are attracted to the skeptical argument are those who have a wider conception of the actual factors that are merely a matter of luck_{contingency} (e.g. results, circumstance, constitution)

¹⁸ And more generally, for those who are sympathetic to attributionist approaches to moral responsibility. See Talbert (2019).

¹⁹ See also Hurley (2003, p. 116).

²⁰ Notice that it would sound odd for one who accepts resultant moral luck_{control} to claim that results are "merely a matter of luck." Such oddness is unexplained on the control conception, but readily explained on the contingency conception. Similarly, this explains why it struck Ari as infelicitous to claim that one's character is merely a matter of luck, even though he agreed that one's character is not completely in one's control.

and a narrower conception of the actual factors that ground or matter for responsibility (which approaches an “extensionless point”). Those who accept all of the traditional categories of moral luck, are those who have a narrower conception of what is merely a matter of luck_{contingency} and a wider conception of the actual factors that matter for responsibility (e.g. results, circumstance, constitution). The benefit of this reconceptualization is that we can frame the debate in a neutral way that is acceptable to all parties and can more clearly see that it is a debate, at bottom, about what fundamentally matters for responsibility.

5. Methodological Implications

I’ve argued that the problem of moral luck does not consist, most fundamentally, in a tension between our patterns of judgment and the Control Principle. Instead, I’ve argued that it consists in a tension between our patterns of judgment and the more general Anti-Luck Principle, where luck is understood on the contingency conception. The problem of moral luck thus challenges us to attain consistency in our beliefs about what fundamentally matters for responsibility. Here I’ll argue that, for this reason, theorizing about what matters for responsibility should not be done in isolation from engagement with the problem of moral luck, nor should theorizing about moral luck be done in isolation from engagement with theorizing about what matters for responsibility. Finally, I’ll argue that this way of characterizing the problem also suggests a response to the most common objection to mixed approaches to responding to the problem.

First, let me briefly illustrate some of the dangers of theorizing about moral responsibility in absence of engagement with the problem of moral luck. Most responsibility

theorists take the notion of derivative responsibility to be uncontroversial. Derivative responsibility involves a particular instance of responsibility that is grounded in some more fundamental instance of responsibility. For example, it is commonly held that a drunk driver may be derivatively responsible for his killing of a pedestrian despite the fact that he lacks relevant control at that time. This is because we can “trace back” from that control-deficient event to some suitable earlier action, such as the choice to drink, at which point, suppose, the risk of harm was foreseeable and the agent had relevant control. The issue is that such derivative responsibility entails resultant moral luck_{control} (on the traditional characterization) or that the mere results of one’s actions are not a matter of luck_{contingency} (on my characterization). In a case of derivative responsibility, we have two kinds of factors: the object of derivative responsibility (e.g. the killing of the pedestrian) and the basis of that responsibility (e.g. the choice to have that third drink). But the object of derivative responsibility just is a result relative to the stipulated basis of responsibility. Thus, in any case of derivative responsibility, we can imagine another case in which we hold fixed the basis but the resulting derivative object does not occur. That is, for any case of derivative responsibility a standard resultant luck case pair can be generated. Those who accept derivative responsibility are committed to saying that there is a difference in responsibility in such resultant luck case pairs. One agent is responsible for the derivative object while the other is not (because it doesn’t occur). And the same is true with respect to the related notions of tracing and responsibility for consequences, because all of these notions share the same basic theoretical structure in which an object of responsibility is grounded in an independent basis of responsibility. But while this is a commitment had by most responsibility theorists, it is one that will be denied by most moral luck theorists insofar as

most moral luck theorists deny that results can affect responsibility when presented with standard resultant luck case pairs. In other words, the majority view concerning derivative responsibility amongst responsibility theorists is inconsistent with the majority view of resultant luck amongst moral luck theorists.²¹ The primary problem I wish to emphasize here is not necessarily the commitment to resultant moral luck_{control} itself, but that such responsibility theorists appear to be unaware of such a commitment insofar as they fail to engage with the problem of moral luck. They thereby take on commitments that are far more controversial than they seem to acknowledge. More generally speaking, because the moral luck cases challenge us to attain consistency in our beliefs as to what fundamentally matters for responsibility, these cases should be engaged with early on in the process of developing a theory of what matters for responsibility, rather than thought of as a relatively isolated problem that can be ignored during the process of theory building and to which we can later simply apply our independently developed theory.

Turn now to the dangers of theorizing about moral luck in relative isolation from more general theorizing about moral responsibility. Consider, for example, Hartman's (2017) objection to what he calls "the Asymmetry View." The Asymmetry View is a version of the mixed approach that draws a line between results and circumstances. This is because it holds that actions are what fundamentally matter for responsibility. That is, on the Asymmetry View, responsibility supervenes on action; there can be no change in responsibility unless there is a

²¹ Might one attempt to respond by adopting Zimmerman's (2002) distinction between degree and scope? One could, however, this won't amount to an easy fix for one would then need to also adopt Zimmerman's claim that scope "counts for nothing" which would imply that derivative responsibility counts for nothing. In my estimation, this implication is no less revisionary, but a good deal less parsimonious, than my preferred response which, following Copp (1997, pp. 449-450), identifies object and basis, and, for that reason, denies the possibility of derivative responsibility. See Khoury (2012; 2018, pp. 1361-1363).

change in action. Thus, a defender of such a view will deny that results can affect responsibility while they may well allow that factors such as constitution and circumstance can insofar as those are factors that can influence action itself. Here is Hartman's objection to the Asymmetry View:

This objection [from the proponent of the Asymmetry View based on the above supervenience claim] also begs the question against the Parallelism Argument unless there is a good reason to think that the supervenience principle is true...In view of the dialectical context, a proponent of the Asymmetry View cannot appeal merely to her intuition that the supervenience principle is true as a good reason for thinking that it is a relevant difference. After all, that kind of argument does not move past the basic conflict of intuitions between proponents of the Moral Luck View and the Asymmetry View. And since I have provided the Parallelism Argument for resultant moral luck as an argument that does not bottom out in standard pro-moral luck intuitions, no adequate reply to the Parallelism Argument can merely appeal to the basic intuition that motivates the Asymmetry View. Are there other arguments for the supervenience principle? Perhaps there are, but, again, it is not obvious what they might be. So, I leave the proponent of the Asymmetry View with a challenge to provide such an argument (Hartman, 2017, pp. 109-110).

While Hartman does leave open the possibility that there could be an independent argument in favor of the supervenience principle, the passage makes clear that he doesn't expect one to be forthcoming. This, in my estimation, is indicative of the belief that the Asymmetry View is a view *wholly internal* to the moral luck debate which could only be motivated by judgments that "bottom out in standard moral luck intuitions," which, he argues, are off the table in the dialectical context.

What I wish to emphasize here is that because views such as the Asymmetry View, or any other view which posits a particular substantive conception of luck implicated in the Anti-Luck Principle, are views about what matters for responsibility, not only is there plenty of room

for independent motivation, we should, indeed, *expect* that a minimally defensible view will be motivated by such considerations. To illustrate, I myself have developed and defended a version of the Asymmetry View according to which responsibility supervenes on one's inner willings. Because I identify willings with actions this is a version of the Asymmetry View.²² This view implies that results cannot affect responsibility (because results are external to willings), while it is compatible with the possibility that constitution and circumstance can (because these can affect willings). But though this *quality of will* view is clearly *relevant* to the problem of moral luck, it is not *only* a position within the moral luck debate as traditionally conceived. Instead, it is a general view about what matters for responsibility. So even if it is dialectically infelicitous to appeal directly to one's intuitions *about the standard moral luck cases* in order to defend the view qua response to the problem of moral luck, it is not dialectically infelicitous to appeal to *other considerations* that motivate the view. For example, in addition to providing what I think is an intuitive explanation of the standard moral luck cases, I also think the quality of will view provides a plausible explanation of the judgments in Frankfurt-style cases. For those familiar with those cases, I think the judgment that the agent is responsible despite the apparent lack of alternative possibilities is plausibly explained in terms of the moral quality of the agent's will. I also think this quality of will view is supported by Strawsonian considerations. It is when we reflect on the phenomenology of the reactive attitudes, that we are in the best epistemic position to identify the intentional or representational content of these attitudes, which, I think, concerns the moral quality of the agent's willing. Thus, here are three kinds of considerations to which one might appeal to support this quality of will view:

²² Khoury (2018).

- (i) moral luck considerations
- (ii) Frankfurt-style counterexample considerations
- (iii) Strawsonian considerations

Although it may be inapt, when engaged in a debate about moral luck, to directly appeal to intuitive considerations of type (i) for the reasons Hartman mentions, considerations of type (ii) and (iii) are fair game. Additionally, note that, at least in my own case, I didn't first come to endorse the quality of will view and only at a later stage apply it to the problem of moral luck. Rather, like Ari, the view took shape, in part, in direct response to the problem of moral luck (as well as in response to considerations of type (ii) and (iii)).²³ For this reason, such views should be treated as candidate responses to the problem of moral luck that may also be motivated by independent considerations. And the fact that the view has plausible implications for the moral luck debate may help support that view in other debates, for example, over (ii) and (iii). The upshot here is that we cannot reject a view's response to the problem of moral luck without engaging with the general arguments in favor of that view.

I take it that what we are really after, in the moral luck debate and these other debates, is the overall most plausible view of what matters for responsibility. Determining this will involve the careful weighing of the benefits and costs of a view's implications within that

²³ I, like Ari, first came to be interested in the problem of moral luck prior to having a settled view on what matters for responsibility. My daily bicycle commute during graduate school provided vivid illustration of the resultant luck cases. I was lucky that while I frequently encountered negligent drivers who avoided hitting me purely by luck, I only once encountered an equally negligent driver who unluckily did hit me.

particular debate, but it will also involve such weighing in other contexts in which what matters for responsibility is at stake, in order to determine which view provides the overall most plausible package of ideas. There is thus significant danger in theorizing about moral luck in isolation from theorizing in these other areas, for we risk overlooking how considerations from one theoretical context may be relevant to another—and may well tip the scales.

The final, related, implication I'll mention here concerns an objection to the mixed approach. Recall that the mixed approach holds that some forms of moral luck_{control} exist while other forms do not. Most commonly, resultant moral luck_{control} is denied and constitutive moral luck_{control} is accepted. Proponents of the Asymmetry View typically accept, while proponents of the character view typically deny, circumstantial moral luck_{control}. Critics maintain that the primary challenge to a mixed approach is to properly motivate the line drawing for, as Michael Moore put it, "luck is luck" (1997, p. 237). The objection holds that the mixed strategy is unstable because lack of control is either equally responsibility undermining (as the denial strategy has it) or equally non-threatening (as the acceptance strategy has it).²⁴

The refocusing I've defended reveals that this objection rests on a confusion. Proponents of the mixed approach hold that some factors over which we lack control are only contingently related to what matters for responsibility while some are not. For example, proponents of the character view hold that results don't matter for responsibility while character does, even though we may well lack control over both sorts of factors. But rather than offering a theoretically unstable position because they hold that lack of control sometimes

²⁴ This objection can be read off Nagel's skeptical argument. And from those who pursue the acceptance strategy, see Moore (1997, pp. 234-239) and Hartman (2017, pp. 105-111). See Nelkin (2019; 2021, Sec. 4.2) for discussion.

matters and sometimes doesn't, proponents of mixed strategies should be understood as defending a theoretically unified account of what matters for responsibility that is simply *an alternative* to control-centered views. In this way, the objection that the mixed approach is not theoretically unified is misguided, for such theories simply propose an alternative unifying feature as to what matters for responsibly (e.g. character, quality of will, etc.).

6. Conclusion

Traditionally, the problem of moral luck has been understood as consisting in a tension between our patterns of moral judgment and the Control Principle. I've argued that we should instead characterize the problem as a tension between our patterns of moral judgment and the Anti-Luck Principle, where luck is understood on the contingency conception. The benefit of doing so is that we can, in contrast to the traditional characterization, formulate the debate in a neutral way that is acceptable to all parties and can more clearly see that the problem of moral luck is a problem, most deeply, about what fundamentally matters to responsibility. This suggests that theorizing about what matters for responsibility should not be done in isolation from theorizing about moral luck, nor should theorizing about moral luck be done in isolation from theorizing about what matters for responsibility.²⁵

²⁵ For helpful comments I thank Cheshire Calhoun, Huzeyfe Demirtas, and Douglas Portmore. Special thanks to Connie Rosati for excellent comments and editorial work. And for inviting me to contribute to this volume, I thank all of the editors.

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