



MORALITY, MORAL
LUCK AND
RESPONSIBILITY
FORTUNE'S WEB

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Morality, Moral Luck and Responsibility

Fortune's Web

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palgrave
macmillan

Abbreviations, Sources and Translations

Works by Aristotle, cited by abbreviation

- EE *Eudemian Ethics*, trans. Rackham, H. (Cambridge MA: Loeb Classical Library, 1935 [1996]).
- MM *Magna Moralia*, trans. Armstrong, C.G. (Cambridge MA: Loeb Classical Library, 1969).
- NE *Nicomachean Ethics*, trans. Thompson, J.A.K. (London: Penguin Books, 1976). In some places I have used Racham, H. (Cambridge MA: Loeb Classical Library, 1926 [1994]) as it seemed a more appropriate translation. When this is the case it is indicated in the notes.
- R *Rhetorica*, ed. Ross, W.D. (Oxford: Clarendon Press, 1924).
- VV *Virtues and Vices*, trans. Rachham, H. (Cambridge MA: Loeb Classical Library, 1935 [1996]).

Citations to Aristotle's works standardly refer to Behher, I. (ed.), *Aristotelis Opera* (Berlin, 1831). So that NE 1147a 35 refers to the sentence in the *Nicomachean Ethics* on line 35 of column A of page 1147.

Works by the Stoics and sources for the Stoics, cited by abbreviation

- DF Cicero, *De Fato*, trans. Sharples, R.W. (England: Aris & Phillips Ltd, 1991).
- DFin Cicero, *De Finibus*, trans. Reid, J.S. (Cambridge: Cambridge University Press).
- DI Seneca, *De Ira*, in trans. Basore, J.W., *Moral Essays* (Cambridge MA: Loeb Classical Library, 1928–32).
- DL Diogenes Laertius, *Lives of the Eminent Philosophers*, vols 1 and 2, trans. Hicks, R.D. (London: W. Heinemann, 1925).
- E Seneca, *Epistulae*, trans. Gummere, R.M. (London: W. Heinemann, 1925).
- G Galen, *The Soul's Dependence on the Body*, in *Galen: Selected Works*, trans. Singer, P.N. (Great Britain: Oxford University Press, 1997).

- HP Long, A.A. and Sedley, D.N., *The Hellenistic Philosophers*, Volume I: *Translations of the Principal Sources with Philosophical Commentary* and Volume II: *Greek and Latin Texts with Notes and Bibliography* (Cambridge: Cambridge University Press, 1999).
- P Plutarch, *Moralia*, trans. Cherniss, H. (Great Britain: Heinemann, 1976).
- SVF *Stoicorum Veterum Fragmenta*, trans. von Arnim, H. (Leipzig: Teubner, 1921).

Works by Kant, cited by abbreviation

- A *Anthropologie in pragmatischer Hinsicht*
Anthropology from a Pragmatic Point of View (1798), in trans. Gregor, M.J., *Anthropology from a Pragmatic Point of View* (Netherlands: Martinus Nijhoff, 1974).
- G *Grundlegung zur Metaphysik der Sitten*
The Groundwork of the Metaphysics of Morals (1785), in trans. Paton, H.J., *The Moral Law* (Great Britain: Routledge, 1991).
- KpV *Kritik der praktischen Vernunft*
Critique of Practical Reason (1788), in trans. Gregor, J., *Practical Philosophy* (USA: Cambridge University Press, 1996).
- KrV *Kritik der reinen Vernunft*
Critique of Pure Reason (1781), in trans. Guyer, P. and Wood, A.W., *Critique of Pure Reason* (USA: Cambridge University Press, 1998).
- MS *Die Metaphysik der Sitten*
The Metaphysics of Morals (1797), in trans. Gregor, M.J., *The Metaphysics of Morals* (Great Britain: Cambridge University Press, 1996).
- Rel *Die Religion innerhalb der Grenzen der blossen Vernunft*
Religion Within the Boundaries of Mere Reason (1793), in trans. Wood, A.W. and di Giovanni, G. (eds), *Religion and Rational Theology* (USA: Cambridge University Press, 1996).

Citations to Kant's works standardly refer to *Kants gesammelte Schriften, herausgegeben von der Deutschen Akademie der Wissenschaften*, 29 volumes (Berlin: Walter de Gruyter, 1902).

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Introduction

One's history as an agent is a web in which anything that is the product of the will is surrounded and held up and partly formed by things that are not, in such a way that reflection can go only in one of two directions: either in the direction of saying that responsible agency is a fairly superficial concept, which has a limited use in harmonizing what happens, or else that it is not a superficial concept, but that it cannot ultimately be purified . . .

– Williams, in Statman, 1993

When Bernard Williams introduced the term 'moral luck' to modern philosophy, he intended it to be an oxymoron¹ because of the contradiction in the implications of the two terms: morality is associated with control, choice, responsibility and therefore praise and blame, whereas luck is about chance, unpredictability, lack of control and therefore the inappropriateness of praise or blame. If there is such a thing as moral luck, then we have to show *both* how it is possible to hold that crucial elements of the moral decision were outside the agent's control *and* how we still want to hold the agent responsible for the act and attribute praise or blame.

The problem of moral luck raises fundamental questions about how we understand ourselves and our moral obligations. On the one hand, even a casual observation of human nature reveals that it is subject to all sorts of contingencies. If we want to give a plausible account of human nature we need to recognize and accommodate all the factors outside our control, which play a crucial role in shaping who we are, what we do and what we are held responsible for. The moral life seems vulnerable to all sorts of influences, even to the point of catastrophic

and irreversible disasters befalling entirely unwitting and undeserving agents. On the other hand, the very understanding of morality involves a robust conception of responsibility. There is a sense of unfairness in the suggestion that *moral* matters, and therefore matters of moral praise and blame, can be subject to factors outside the agent's control. Equality in the sphere of morality seems to require an equal footing and an equal chance to do what we are obliged to do and what we will be blamed for not doing.

These two elements are in conflict, exemplified by the possibility of moral luck. Williams movingly draws our attention to how luck has 'captured' agency in a tangled web of factors outside our control and more genuine acts of the will. He finds himself having to accept the possibility of luck and faced with two, equally problematic, options. One option is to accept that agency is a superficial concept. So when we speak of choice, agency and the voluntary we are using these terms in a superficial way, accepting that there are really no such things, as the real influence is the influence of luck. For how can there be real choice if it is not *my* choice? This 'solution' is truly repugnant, as it plays havoc with our understanding of morality. If we still want to make claims of moral responsibility, these are just superficial ones as morality is not really possible. The other option is to accept a concept of responsibility, but admit that it cannot be purified. This would mean that we would have to, at least to an extent, give up on a strong and pure conception of responsibility. This would entirely muddle our understanding of desert and its connection to agency and the voluntary.

The problem is a central one, as it appeals to a fundamental understanding we have of ourselves in terms of what we have done (or more aptly chosen to do) and what we are responsible for. This sense of responsibility is conceptually tied in to agency and choice, and therefore threatened by luck. As a consequence, the only other response to moral luck, one rejected by Williams, is to resist its very possibility. Conceptually, morality is immune to luck, so we need to find a practical way of understanding this as a requirement which can be applied to us as human beings. That is, as beings which are clearly also subject to contingent factors.

The subject of this book is an exploration of the tension created by moral luck: of the requirement for moral immunity from luck, coupled with the need to offer a plausible conception of situated agency subject to contingencies. The discussion will cover two writers whose work is claimed to be at opposite ends of the spectrum on the problem of moral luck. On the one hand, we have the Aristotelian acceptance of the possibility

of luck, such that the influence of contingent factors is recognized as a part of the good life. This allows Aristotle to give a plausible account of moral development, accounting for all the factors outside our control which shape us into who we become. On the other hand, we have the Kantian ambition to show how morality as immune to luck is a concept which has an application for human beings. This will allow the Kantian to make strong and pure judgements of responsibility. As we shall see, both these interpretations of Aristotle and Kant are, in part, correct, but also, in part, misleading. Aristotle is more than aware of the demands of reason, while part of the Kantian project involves trying to accommodate a plausible conception of gradual and contingent moral development. I will also consider the Stoics, as their answer to the problem of moral luck shares some of its starting points with Aristotle, while pre-dating some Kantian claims. Finally, I will examine three recent writers, Slote, Hursthouse and Herman, who work in the traditions of Aristotle or Kant, and use their theories to ask whether there really is much of a disagreement between Kantians and virtue ethicists as some commentators would have us believe.

1

Moral Luck

1.1 Introduction

A few decades after Williams' article introduced to philosophy concerns about moral luck, the term remains essentially disputed and the questions raised by it partly unanswered. Part of the problem is that Williams captured a deep unease about responsibility and luck. In the discussions that followed the original paper, commentators have tried to either resolve or discard this sense of unease, or show how it can be accommodated from within their particular theoretical perspective.

This chapter will serve the dual purpose of attempting to explain what is meant by moral luck and throwing some light on why it has been such a perplexing and stimulating philosophical topic. This is important because, although the tension implicit in the term is clear enough, we do not have a clear definition of the term itself, nor do we have agreement over the kinds of examples which are genuine examples of moral luck or how these, genuine examples, might differ from cases of simple bad luck.

1.2 Luck

'Luck' is an unclear term because it can be understood in different ways. In one sense it can be discounted entirely. This is the sense of luck as superstition, that is the sense in which a person may carry a rabbit's foot for 'good luck'. The assumption here is that luck is a property of the rabbit's foot which acts as a magnet, drawing some advantage towards the possessor of the lucky item. This kind of luck is clearly non-existent. Similarly, some people may feel very lucky on a particular day or may take past instances of favourable outcomes as evidence that *they* are lucky. However, luck is not a property, or a force of nature, or a gift of the gods,

that attaches itself to certain people and gives them a particular advantage in the way a skill would. Accidental advantages are not merited, nor can we make inferences from previous 'lucky' instances to the possibility of replicating such 'lucky' situations. Furthermore, we cannot take credit for the supposed effects of luck. If by 'luck' we mean something outside anyone's control, then merit, praise or credit for the effects of luck cannot be due to anyone and, further, we cannot predict when lucky situations will occur or do anything to bring them about.

Despite these considerations, the idea that luck rubs off particular objects and people, or the idea that certain actions will bring about good luck as if the phenomenon was somehow consciously controlled, persists. However, the grounds for this persistence are not that such luck exists, but lie rather in the psychological make-up of human beings, that is something along the lines that we are insecure about the future and tend to favour ourselves and tend to rely on supposed occult powers and forces for security and extra help. As far as psychology is concerned, our reactions to luck as superstition can be very interesting, for example it seems that people tend to claim good things that happen to them as related to their own agency, whereas they attribute bad things to luck – a student may think of good essays as the result of hard work, whereas bad essays are due to bad luck. In this sense, then, good and equally bad luck do not exist.

A related way in which we speak about luck involves cases where we accept that there was some chain of causation, but it was so complex and outside our understanding that it appears random. In this sense, it is a matter of luck whether I will win the lottery. There is a chain of events that leads to my winning the lottery, involving physical laws about gravity and the movement of objects which control the spinning of the number balls and so on, but this chain is so entirely outside my ability to predict that it appears random, a matter of luck:

Causation can be entirely inscrutable – utterly lost in a tangled web of coincidence – and still be causation . . . when we think of cases of causation we almost invariably think of cases where the relationships are laid bare, where the actuality or at least the practicality of control by an agent is manifest. Some cases of causation are called 'randomizing' processes precisely because of their uncontrollability.¹

If I have to choose between two options, the reasons behind both being balanced so perfectly that I cannot make a choice, I may leave the outcome to luck by tossing a coin. This does not mean that some peculiar force

takes control of the outcome, or that coins are endowed with a peculiar property, rather than the chain of causal events that lead the coin to fall heads or tails is so complex as to be, practically, out of my control. Such cases, of evenly balanced choices, are cases where we actively want to give up control of the decision which we cannot make and toss a coin for precisely that reason.

Cases of luck can sometimes be misidentified as cases of *moral* luck. Williams has illustrated how it is possible for an agent to feel regret for an act for which we would not hold him responsible.² The lorry driver who accidentally and *non-culpably* kills a child can feel regret that something terrible happened and that he had a special relation to that happening, but this regret is not evidence of his moral blameworthiness; rather, if anything, it is evidence of his sensitivity. It was the driver's bad luck to be driving at a time and place which meant he was the one who hit the careless pedestrian, but this is not moral luck as the case is set up so that the driver is not morally culpable for what happened. The driver was not negligent, irresponsible, inattentive and so on. If there is fault to be found, it is to be found with the pedestrian, but as he paid for this mistake with his life, this point is not usually dwelt upon. That the driver has moral feeling about what happened, that he feels regret and maybe even guilt, is an understandable reaction to the fact that he was associated with the death of another human being, even if this association was non-culpable. Williams' example seems, to me, to illustrate that one can be the subject of bad luck, and can even have what would be morally relevant feelings about the situation, without this necessarily being an example of bad *moral* luck. This particular kind of regret involves a first-person standpoint, as it is intricately connected with the thought that it was *me* who brought about this event, in such a way that it differs from spectator regret. Also, because of such considerations, it must have a particular kind of psychological content, appropriate to the agent but not necessarily shared by spectators and by-standers. Finally, it also has a particular kind of expression, involving a wish that one had not done the act, even while recognizing that one is not morally culpable for doing it.

Cases of luck, then, involve an outcome which is outside our control (or comprehension) and at the same time involve a certain evaluative status.³ Cases of moral luck involve a judgement of responsibility, of moral praise or blame. Cases of luck involve some kind of good or bad result in terms of a benefit, a disadvantage, a loss and so on. To borrow Rescher's example, a cloud momentarily shading a passer-by is not an example of luck, since this is indeed a chance but indifferent event. So

we, as agents, stand in a specific relationship to cases of luck and an even more complex, and possibly problematic, relationship to cases of moral luck. Even instances of plain luck can have moral overtones. Consider a case where a fairly well-off person wins the lottery; there is a sense in which we feel this outcome is unfair even though everyone else had an equal chance of winning. Sometimes then, we, perhaps irrationally, resent the very 'blindness' of luck, the very fact that lucky outcomes are neither fair nor unfair.

In general, we need to be aware that responsibility, blameworthiness and a desire to make reparations do not always go hand in hand. For example, I may slip, fall and in falling break your beloved vase. I am responsible for breaking the vase, but not necessarily to be blamed as slipping is something that could have happened to anyone,⁴ but at the same time I may also feel obliged to buy you a new vase because *I* broke it, even though I did so non-culpably.

Many of the recent discussions on moral luck rely on examples in order to capture what seems puzzling about the phenomenon. However, some of these examples have to be treated with caution as they can be misleading. Nagel seems to misidentify a case of bad luck as one of bad *moral* luck, when he writes:

Circumstantial luck⁵ can extend to aspects of the situation other than individual behaviour. For example, during the Vietnam war even U.S. citizens who had opposed their country's actions vigorously from the start often felt compromised by its crimes. Here they were not even responsible: there was probably nothing they could do to stop what was happening, so the feeling of being implicated may seem unintelligible. But it is nearly impossible to view the crimes of one's own country in the same way that one views the crimes of another country, no matter how equal one's lack of power to stop them in the two cases. One is a citizen of one of them, and has a connection with its actions (even if only through taxes that cannot be withheld) – that one does not have with the other's. This makes it possible to be ashamed of one's country, and to feel a victim of moral bad luck that one was an American in the 1960's.⁶

The American citizens' relationship to their own country, which is perpetrating a moral injustice, may explain their feeling of regret, but this is a case of agent-regret like the lorry driver who stands in a non-culpable way related with a morally regrettable event. It is bad luck that some Americans were citizens of a country which acted beyond their control

in perpetrating an immoral act; an immoral act which they rightly disapproved of. However, this is bad luck and not bad moral luck, as we do not hold these individuals morally responsible or treat them as objects of moral judgement in this case. Within a democracy there is limited scope for an objecting minority to influence a government's course of action, so provided that these citizens did what they could within the confines of democracy to voice their opposition, one cannot hold them morally responsible for America's actions. Like the lorry driver, these citizens may still feel guilt and regret for what their country did, but that is because they are decent human beings and regret being associated with such immoral actions even if they could not and were not expected to control them.

Although we ought to be careful to distinguish between cases of luck and cases of moral luck, we must also recognize that sometimes cases of bad luck may give rise to situations of bad *moral* luck. It is bad luck that a particularly anti-social family move into the house next door to yours, but the nuisance they cause and the fact that you live next to them is only bad luck. However, this particular situation may create bad feelings between the neighbours and ultimately result in a situation in which you are tempted to act in an immoral way in order to get your own back at the neighbours. That an agent has found himself in a situation where he is tempted to act immorally has now become a case of bad moral luck.

Finally, related to the concept of luck is the concept of risk. Although this is a topic deserving attention in its own right, it is worth making a few brief remarks on risk. There is a sense in which people are said to 'make their own luck'. The expression relates to managing luck, by managing outcomes which are out of one's control. This can be done by minimizing or attempting to altogether avoid risk. If luck is about one's inability to control a situation, then there may be instances where one can prudently avoid such situations or avoid becoming incapacitated in the first place. Of course, given the nature of luck, such cases will not always be avoidable or even foreseeable, but the point is that some may be, although not in the sense of harnessing luck by possessing a rabbit's foot. By managing risk one can avoid some of the effects of luck. For example, the student who works so hard that he prepares every aspect of the course he will be examined on avoids the unlucky situation where the questions asked are not the ones he can answer. However, even such thoughts on how risk may be partially managed are problematic, giving rise to concerns over how we should understand concepts such as negligence and recklessness.

1.3 Moral luck: Examples

Perhaps the best way to understand what is involved in cases of moral luck is to examine the numerous examples put forward by philosophers as instances of the phenomenon. It is a familiar philosophical picture that reason is what makes us different from animals and gives us the ability to make choices, and therefore it is in virtue of our ability to reason that we are held responsible for who we are and what we do. According to some accounts, luck can even attack this last vestige of independence, as it can influence constitutive factors relating to our ability to reason, the development of our rational faculties, opportunities for exercising reason and so on. The recent revival of interest in the possibility of moral luck started from an article by Bernard Williams, in which he used the possibility of luck to attack an all-powerful conception of reason.⁷ In that article, Williams put forward the case of the artist Gauguin which has now become a focal point in discussions of moral luck.

Gauguin is an artist who chooses to abandon his family in favour of a life of artistic creativity that eventually leads him to produce the masterpieces admired by the world today. At the time of the decision he cannot know whether he will succeed or not and Williams argues that:

the only thing that will justify his choice will be success itself. If he fails... then he did the wrong thing, not just in the sense in which that platitudinously follows, but in the sense that having done the wrong thing in those circumstances he has no basis for the thought that he was justified in acting as he did. If he succeeds, he does have a basis for that thought.⁸

He adds that this justification may not necessarily mean that Gauguin can justify himself to others.

Williams puts this example forward as a case of moral luck, because whether the agent's decision is justified or not depends on the success of the act, which itself is outside the agent's control; that is Gauguin cannot control, at the time of having to decide whether to leave his family, whether he will become a successful artist or not. The example is ultimately an attack on the power of reason to make decisions since in cases of retrospective justification such as this, the agent can never know, at the time of decision-making, all the elements necessary to making a justifiable decision.

In order to understand Williams' example, we have to first discount two ways in which it can be misunderstood.⁹ One way in which this