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A MODAL SOLUTION TO THE PROBLEM OF MORAL LUCK

Rik Peels

ABSTRACT

In this article, I provide and defend a solution to the *problem of moral luck*. The problem of moral luck is that there is a set of three theses about luck and moral blameworthiness, each of which is at least *prima facie* plausible but that, it seems, cannot all be true. The theses are that (1) one cannot be blamed for what happens beyond one's control, (2) that which is due to luck is beyond one's control, and (3) we rightly blame each other for events that are due to luck. I suggest that the response that distinguishes between *degree* and *scope* of blameworthiness is promising. The main objection that one might level against this approach is that it seems to lead to the absurd conclusion that we, in the actual world, are as blameworthy as the person we could have been and who performs all sorts of heinous acts in a far away possible world. For we in the actual world and our counterpart in a far away possible world are both such that we would perform certain heinous acts in particular circumstances. I argue that this objection can be met, namely by paying attention to the nature of luck. By using the insights into the nature of luck that have been gained by *epistemologists*, we can solve the problem of luck as it has been formulated by *ethicists*. For epistemologists have argued that some event is due to luck only if it fails to occur in a substantial number of nearby possible worlds. I defend this account of luck and argue that the problem of moral luck can be solved if we pay attention to the nature of luck. I, therefore, call my solution to the problem of moral luck a *modal* solution.

I. INTRODUCTION

Imagine that my friend Tom and I are shooting in my garden, each at our own target. We are aware that two young girls are playing in the bushes somewhere in the garden. Recklessly, we nevertheless decide to shoot at the targets. We shoot simultaneously. At the moment we shoot, however, the girls appear out of the bushes in an attempt to scare us. One of them happens to cross the path of my bullet and is killed as a result of that. No girl crosses the path of Tom's bullet, and no girl is killed as a result of his shot. Am I more blameworthy than Tom? Many people, including many philosophers,

would say, upon some reflection, that I am *not*. This is because I suffer from bad luck. Of course, I am still blameworthy for what I do, given my recklessness, but it seems to many that I am not *more* blameworthy than Tom, given that he took the same risk but was just more lucky than I was.¹ However, we *do* blame me, and *not* Tom, for killing the girl, and such blame seems stronger than the attitude we adopt when we blame Tom and me for taking the risk of shooting in the garden.²

Scenarios like these give rise to a challenging problem. First, it seems that one can be blameworthy only for what is within one's control. I am not blameworthy for the deaths

of many Syrians these days or for the large-scale fraud in one of the major companies in my country when I was still a child because these are events that are beyond my control. Second, it seems that if an event is due to luck, the occurrence of that event is beyond one's control. (I return to this in section III below.) Third, it seems that we blame people for the occurrence of events that are due to luck. We blame me, but not Tom, for killing a girl, but the fact that I killed a girl and Tom did not is due to bad luck. Slightly more formally, we can say that there are three theses, each of which seems plausible but that, it seems, cannot all be true:

- (1) One is not blameworthy for what is beyond one's control.
- (2) Events that are due to luck are events that are beyond one's control.
- (3) We sometimes properly blame people for events that are due to luck.

I call an account that convincingly shows how these three theses are compatible a *solution to the problem of moral luck* and attempt to provide such an account in this paper. In doing so, I confine myself, first, to moral *blameworthiness* for actions. Of course, one might equally wonder how moral *praiseworthiness* or moral *responsibility in general* relates to luck, but I will not do so here.³ Second, I confine myself to moral blameworthiness for *actions* and *consequences of actions*. It seems that *mutatis mutandis* the same can be said about *omissions* and *consequences of omissions*, but they will not be the focus of this paper.

This article is organized as follows. First, I sketch the response that distinguishes between degree and scope of blameworthiness and identify what seems to be the major problem for this response: the worry that it leads to an absurd consequence. I discuss two attempts to escape this consequence and argue that they fail (section II). Next, I suggest that the worry of a *reductio ad ab-*

surdum can be met by paying close attention to what it is for an event to be due to luck. I, therefore, defend a particular, modal account of luck (section III). In doing so, I refer to the epistemological literature on luck. For, remarkably, epistemologists have paid more attention to what it is for some event to be due to luck than ethicists have. Epistemologists have done so especially in giving an analysis of knowledge, which is often taken to include an anti-luck condition.⁴ Finally, I sketch how this account of luck can be used to avoid the *reductio* (section IV).

II. THE DEGREE/SCOPE RESPONSE

The literature on moral luck displays different responses to it.⁵ Here, I will focus on the response that I find most promising, namely that which distinguishes between *degree* and *scope* of blameworthiness.⁶ I will call this the Degree/Scope response. Let me illustrate the distinction between degree and scope with the scenario that I sketched above. Tom and I both shoot at a target while we know that two young girls are playing in the garden. When I shoot, one of the girls appears out of the bushes and is killed by my shot, whereas Tom's bullet only hits the target. In this case, the *scope* of our blameworthiness differs: we are blameworthy for the actualization of different sets of states of affairs. Whereas Tom is blameworthy for shooting at the target and thereby taking a large risk, I am blameworthy for doing the same thing *and* for killing the girl. Tom is *not* blameworthy for killing a girl because he did *not* kill a girl. Still, the *degree* of our blameworthiness is identical, for we took the same risk in shooting at a target while we knew that two young girls were in the garden.

The idea, then, is that bad luck may broaden the *scope* of one's blameworthiness, but that it cannot add to the *degree* of one's blameworthiness. Thus, if (1) says that one cannot be blameworthy for events that are due to luck,

it is *false*, and if it says that one cannot be *more* blameworthy for events that are due to luck (more blameworthy than if those events had not occurred), it is *true*. This would solve the problem of moral luck, for the claim that luck cannot make a difference to the degree of one's blameworthiness is perfectly compatible with the claim that what happens due to luck is beyond one's control and the claim that we properly (rightly, deservedly) blame people for events that are due to luck.

There seem to be two main lines of attack on this response to the problem of moral luck. First, one might argue that if two persons *S* and *S** are blameworthy for the same thing, but *S* is, in addition to that, blameworthy for something else, then *S* *must* be more blameworthy than *S**. We should think of blameworthiness as we think of, say, weight: if two objects have the exact same weight, and some weight, however little, is added to the weight of the first object, then the first object must become at least somewhat heavier than the second.⁷

In response, one might wonder why blameworthiness is not rather like, say, interest. If I am interested not only in subject matter *A*, but also in subject matter *B*, am I thereby *more interested*? No, I may be interested in *more subject matters* than someone else. It does not follow that I am somehow *more interested* than that person. Or imagine that I am excited about more things than my colleague. Does it follow that I am *more excited*? No, we may well be equally excited; I am just excited *about more things* than she is. Thus, there is no reason to think that if *S* is blameworthy for the actualization of more states of affairs than some other person *S**, *S* is thereby also *more blameworthy* than *S**.

Second, and more importantly, one might argue that Degree/Scope response faces a *reductio ad absurdum*.⁸ Imagine that I have another friend, Fred, who planned to join us, but who suffered from bad luck in that his car

broke down, so that he did not make it to our shooting exercise. Imagine that if he had been there, he would have been equally reckless as Tom and I. If it is purely a matter of luck that he did not make it to our shooting exercise, then why is he not equally blameworthy as Tom and I? After all, each of us is such that if we were to make it to the shooting, we would shoot recklessly. Moreover, if we also take other kinds of luck into account, the Degree/Scope approach becomes less and less plausible. Imagine that there is a fourth person, Bert, who is *not* a friend of mine, but who could easily have been one—it is a matter of luck that we did not meet; if we had met, we would have become good friends. Imagine that if he had become a friend of mine, I would have invited him, and he would have been equally reckless. Is Bert equally blameworthy as Tom and I?⁹

According to several philosophers, luck in fact pervades everything.¹⁰ For instance, we can imagine cases in which not only the situation one finds oneself in is due to luck (call that *circumstantial luck*), but in which one's character traits are also due to luck (call that *constitutive luck*). It is a matter of luck that I happen to be open-minded and that I happen to live now. I could have been narrow-minded, and I could have lived during the Second World War. Imagine that if I had been narrow-minded and had lived during World War II, I would freely have absorbed Nazi doctrine and done all sorts of heinous things. Then it seems to follow from the Degree/Scope approach that I am equally blameworthy as someone who was in fact narrow-minded, lived during World War II, freely absorbed Nazi doctrine, and did all sorts of heinous things. This is because we are both such that if we had been narrow-minded and lived during World War II, we would have absorbed Nazi ideology and done all sorts of heinous things. If we include events whose non-occurrence is due to luck, the *scope* becomes larger and

larger, while the *degree* of blameworthiness remains identical.

If we continue this line of reasoning, we turn out to be blameworthy for being such that we would have done all sorts of wrongs in radically different historical circumstances, in other parts of the universe, and in scenarios in which our character is radically different. For example, imagine that I could have been a fifteenth-century Aztec priest and imagine that if I had been a fifteenth-century Aztec priest, I would freely have killed a peasant in order to sacrifice him to the gods.¹¹ Then I am such that if I had been a fifteenth-century Aztec priest, I would freely have killed a peasant. And, of course, the same applies to the Aztec priest: if he had been a fifteenth-century Aztec priest (which he was), he would freely have killed a peasant (which he did). But then it follows from the Degree/Scope approach that I am equally blameworthy as the Aztec priest. That seems to be a dire consequence, to say the least. Is there any way this *reductio* can be avoided?

First, some philosophers, such as Nicholas Rescher, have argued that, even though there is *circumstantial* luck, there is no such thing as *constitutive* luck because we have the virtues and vices that we have *essentially*. I would not be the same person if I lacked the virtues and vices I have or if I had virtues and vices I lack.¹² Would we not consider someone with radically different virtues and vices a different person? This suggestion seems to me misguided. People who were raised in a small, conservative, narrow-minded community can become critical and open-minded. They can not merely learn to resist a tendency to be narrow-minded; they can actually work on it in such a way that after some time, they no longer have such a tendency: open-mindedness has become a well-established character trait. Similarly, irascible people can become more patient, and violent people can become peaceful. Of course, a person's (moral) *personality* can change. It does not

follow that she becomes a different *person*. After all, *a person* can change, which implies that there is a single person who can acquire a different moral personality.

Second, some philosophers have suggested that one can be blameworthy without being blameworthy *for something*. Thus, Fred—who did not make it to the shooting—and I are equally blameworthy, even though we are *not* blameworthy *for something*. We are both blameworthy *in virtue of something*—namely, in virtue of being such that we would recklessly shoot in particular circumstances—but we are not blameworthy *for something*; we are blameworthy *tout court* or blameworthy *simpliciter*.¹³ I find it hard to make sense of this response. If one is *not* blameworthy *for something*, then one is blameworthy for nothing. And it seems that if one is blameworthy *for nothing*, then one is not blameworthy at all. The notion of blameworthiness *simpliciter* is not one that we find in ordinary discourse, and as long as we have not been given a more detailed philosophical description of what blameworthiness *simpliciter* is supposed to be, I find it hard to make sense of the idea that we are sometimes blameworthy *simpliciter*.

Many philosophers have concluded from this (i.e., from the difficulties that I identified for these two responses to the *reductio*) that the Degree/Scope response is unconvincing. This conclusion seems to me premature, though. In the remainder of the paper, I argue that paying close attention to what it is for some event to be due to luck saves the Degree/Scope strategy. That paying attention to the nature of luck helps to solve the problem of moral luck has also been suggested by Duncan Pritchard.¹⁴ Here, I develop this suggestion in much more detail. In the next section, I give an account of what it is for an event to be due to luck. After that interlude, I return to the problem of moral luck in the final section and show how a firm grip on luck helps to solve the problem.

III. A MODAL ANALYSIS OF LUCK

Let me first say something about terminology. I take luck to include both *good* and *bad* luck. I take it that an event *E* is *lucky* if and only if the occurrence of *E* is due to luck, *lucky for S* if and only if the occurrence of *E* is due to luck and advantageous for *S*, *unlucky for S* if and only if the occurrence of *E* is due to luck and disadvantageous to *S*, and *non-lucky* if and only if the occurrence of *E* is not due to luck.

Now, let me present what I consider to be a plausible account of luck. I do not claim that this account is original; it is at least similar to other accounts in the literature. My point is rather that we need to get a firm grip on the notion of luck before we can solve the problem of moral luck. The account that I provide is confined to events that are lucky or unlucky *for some specific person*, since we are concerned with blameworthiness of individuals.¹⁵

- (4) An event *E* is lucky or unlucky for some person *S* at some time *t* iff
- (i) *S* lacks control over the occurrence of *E* at *t*,
 - (ii) *E* is significant to *S* at *t*, and
 - (iii) *E* occurs in the actual world, but does not occur in a wide class of nearby possible worlds.

Imagine that I have won the lottery. I have *influence* on whether or not I win the lottery, for I could fail to win the lottery by not even buying a ticket. But I lack *control* over winning the lottery, for whether I win it is not up to me—at least, not if the lottery is fair. Given the large sum of money involved, winning the lottery is significant to me. Finally, when it is a fair lottery, I could easily have failed to win the lottery.

It is helpful to contrast this account with rival accounts of luck. Many philosophers, such as Claudia Card and Michael Zimmerman, say or assume that an event *E* is lucky for *S* just in case it is beyond *S*'s control

whether or not *E* occurs.¹⁶ The absence of control, however, is not *sufficient* for an event's being lucky. The differential rotation in the upper atmosphere of Jupiter is beyond my control, but clearly not lucky for me or anyone else. What this suggests is that an event is lucky for some person only if that event is of some *significance* to that person.¹⁷ And an event is *significant* to a person if that event harms her, pleases her, is of value to her, or some such thing.

According to other philosophers, such as Carolyn Morillo, an event is lucky just in case it is *accidental*.¹⁸ What could they have in mind? There seem to be at least two options. First, it could be that by "accidental," they mean logically or metaphysically *contingent*. This, however, is implausible, for then the vast majority of our actions would be lucky merely because they are contingent, and that seems false. Second, they could mean that an event is lucky just in case its occurrence is due to *chance*. Some philosophers even explicitly use that word in this context.¹⁹ What they mean by that is, presumably, that the event in question is *improbable*. But that seems equally flawed. The probability of my eating a piece of bread today that contains the exact same number of atoms as the piece of bread that I ate yesterday is low, extremely low indeed, but if it happens, that event would not be lucky or unlucky for me. What we should add, of course, is that the event in question has some significance for me. But even then, low probability will not do. If one is involved in a serious train accident, in which one out of two passengers dies, one is lucky to have survived, even though it was not more probable than not that one would survive. What seems required at most is that it is at least *sufficiently* improbable that the event occurs, where what counts as sufficient is context-dependent.

What precisely do we mean by "improbable"? I think that this notion is best cashed out in terms of what happens in *nearby* rather

than *far away* or *all* possible worlds, where a possible world is closer to the actual world if it is more like the actual world in relevant respects. Something is sufficiently improbable if it does *not* happen in a sufficiently large number of nearby possible worlds. What happens in far away possible worlds is irrelevant to luck, whether or not it happens in the majority or only a small percentage of those far away possible worlds. Imagine that one day, after work, I find my car where I left it in the morning. Am I *lucky* that it is still there? Unless special conditions hold, it is clear that I am *not*: cars are only rarely stolen. I would be rather *unlucky* if it were stolen. Maybe, in the vast majority of possible worlds, there are no cars because the physical universe or the development of life or human culture in those worlds looks radically different. But all that is irrelevant: what matters to whether or not an event is lucky is what happens in *nearby* possible worlds in which the initial conditions at *t* are identical or very much the same as those in the actual world at *t*. If ten different people intend to steal my car at *t*, but all of them fail to do so because of accidental events—for example, getting ill, the train’s breaking down, and so on—*then* I would be lucky that my car is not stolen, for in many nearby possible worlds, my car *is* stolen. Of course, the notion of “closeness” is vague. But I think that this is actually an advantage of my view, for there will certainly be boundary cases in which we hesitate to say that an event is lucky.²⁰ As we shall see below, this modal condition of my account of luck plays a crucial role in my solution to the problem of moral luck. I, therefore, call (4) a *modal* analysis of luck.

I have suggested that absence of control is not *sufficient* for luck. Is the absence of control nevertheless *necessary* for luck? Or, more precisely, can conditions (ii) and (iii) accommodate our “lack of control” intuitions, or do we need to add condition (i)—that one lacks

control—to conditions (ii) and (iii) in order to get a satisfactory account of luck? Some philosophers, such as Duncan Pritchard, have thought that conditions (ii) and (iii) jointly imply that the event in question is not under the subject’s control and that a lack of control condition is, therefore, redundant.²¹ But that seems false to me. Imagine that Sam is strongly inclined to ask Julia to marry him, so that it is highly probable that he does, that is, that he does so in most of the nearby possible worlds. Nevertheless, he decides *not* to propose to her. Would we say that his not proposing to her was a lucky event for him? I do not mean to ask whether his not marrying Julia or any of the other consequences of not proposing to Julia is a lucky event. Those may very well be. But it seems that Sam’s not proposing to Julia itself is *not* a matter of luck. Improbability conjoined with significance may be necessary, but it is not sufficient for an event’s being due to luck. We also need the absence of control as a separate condition.

However, the claim that absence of control is necessary for luck has been contested. Jennifer Lackey has provided what she considers to be a counter-example to this claim. Imagine that Ramona, a demolition worker, is about to press a button that will blow up an old warehouse. Unbeknownst to anyone, a mouse chewed through the relevant wires. However, before Ramona tries to blow up the warehouse, Ramona’s co-worker hangs his jacket on a nail in the precise location of the severed wires. The hanger is made of metal, so that the wires are connected and Ramona can blow up the old warehouse after all. Ramona has control over blowing up the warehouse, but if she blows up the warehouse, that is a lucky event.²² As it seems to me, Lackey’s analysis of this scenario is unconvincing. Maybe Ramona suffered from *bad luck* when the mouse chewed through the relevant wires. And, presumably, Ramona was *lucky* that her co-worker happened to hang his jacket in the

precise location of the severed wires. Both of these events may well satisfy the three conditions for luck that I distinguished. But it should be clear that *once the jacket has been hung up* in the precise location of the severed wires, it is *not* a matter of luck that Ramona blows up the warehouse, for, given the initial conditions of the jacket's hanging there, she blows up the warehouse in nearly all or most nearby possible worlds. Her blowing up the warehouse is under her control, but it is *not* a case of luck.²³ The underlying point here is that not everything that is made possible by a lucky event is itself a lucky event. The fact that humans exist might be due to lucky events during certain stages of evolutionary history. It does not follow that everything we do is a matter of luck. Similarly, if Ramona is lucky that she is in a situation in which she can blow up the warehouse, it does not follow that her blowing up the warehouse is a lucky event.

Notice that my analysis of luck is in a sense radically *objective*: whether or not an event is lucky for one depends on whether it is beyond one's control, of significance to one, and sufficiently likely not to occur, whether one believes that or not. I think it would be misguided to make the notion of luck *subjective*, as some philosophers, such as Andrew Latus, do.²⁴ Imagine that Julia has taken part in a game of Russian roulette. Unbeknownst to her, the revolver contains no bullets whatsoever, so that there is no way she could have killed herself. Of course, from Julia's perspective, she is lucky to have survived the roulette. But would we, who know that the revolver contains no bullets, say that she was lucky? Of course not. We know that she was *non-lucky*, although Julia may have had good reasons to believe that she was. People may even mistakenly believe that something has or lacks value for them.²⁵ But if one person or a group of persons can be ignorant of certain facts about a situation that are relevant for determining whether or not an event is a matter

of luck, it is possible that all of us are ignorant of certain facts about certain situations, facts that are relevant for determining whether or not an event is lucky. Thus, even though it is a *subjective* matter what we consider to be cases of luck, it is *not* a subjective matter what *are* in fact cases of luck. Luck is *not* in the eye of the beholder.

IV. THE NATURE OF LUCK AND THE PROBLEM OF MORAL LUCK

Now that we have a firmer grip on what it is for an event to be due to luck, let us return to the Degree/Scope response to the problem of moral luck. I argued that this strategy is threatened by a *reductio ad absurdum*. As it seems to me, the way out of this quandary is to remember that we are talking about *luck*. In the previous section, I argued that luck is a matter of what happens in *close* or *nearby* possible worlds. Since luck concerns what happens in the actual world and nearby possible worlds, we can safely ignore scenarios that are radically different from the actual world, and we can focus on nearby possible worlds, that is, on how things are or easily could have been. For obvious reasons, I call this the *modal* solution to the problem of moral luck.

I do not deny that we sometimes suffer from, say, circumstantial or constitutive luck. There are close possible worlds in which I am aggressive rather than peaceful—or, at least, at some time, there *was* a close possible world in which I lacked the character trait of being a peaceful person. For instance, I could have been born without a disposition to be peaceful. But there is *no* close possible world in which *several* character traits of mine are different. Maybe there are such possible worlds, but they will not be nearby. On the contrary, they will be far away, so that it is *not* a matter of luck that things are not that way.

I think this squares well with our considered verdicts in all sorts of cases. If Karl lives

during the Second World War and would betray a Jew if he knew where one was hiding, and it is a matter of good luck (good luck for the Jew, bad luck for Karl) that he does not know a Jew's hiding place, then, it seems, he is equally blameworthy as his brother Heinrich who betrays a Jew because he happens to know a Jew's hiding place. Of course, we blame them for (partly) different states of affairs. We blame Heinrich, but not Karl, for betraying a Jew. But their *degree* of blameworthiness seems to be identical. If we were to know of some third person, Alex, who lives in Australia about sixty years later, that he would freely have betrayed a Jew if he had had different character traits and if he had lived some sixty years earlier in the Netherlands, we would not blame Alex as much as Heinrich and Karl, if we would blame him at all. This is because the world in which Alex does such a thing is far away and Alex's not betraying a Jew is, therefore, clearly *not* a matter of luck.

On this account, (1)–(3), at least if understood in a particular way, are all true. I have argued that the tension between them dissolves upon further consideration. First, what happens beyond our control does not *add* to the *degree* of our blameworthiness, although it *does* make a difference to the *scope* of the actions and consequences of our actions for which we are blameworthy. Second, what happens as a matter of luck is beyond our control. Third, we are sometimes blameworthy for the occurrence of events that were due to luck. This approach does not have the absurd consequence that we are as blameworthy (blameworthy to the same degree) in this world as our counterparts in far off possible worlds who do the most heinous things are, for what happens in far away possible worlds is irrelevant to assessing what happens as a matter of luck in the actual world.

Let me provide some more detail to this solution to the problem of moral luck by

considering and replying to four arguments against it.

OBJECTION 1.

One might wonder what Karl is blameworthy for if he is as blameworthy as Heinrich, even though he did not betray a Jew. Would it not follow that Karl is blameworthy *simpliciter*, and is that notion not rather unattractive, as I myself argued above? I agree that that would be problematic. Fortunately, no such thing follows. I submit that Karl is blameworthy for being such that he would betray a Jew if he knew where one was hiding, and that he is blameworthy for that to the same degree as Heinrich is for being such that he would betray a Jew if he knew where one was hiding *and* for actually betraying a Jew. Karl and Heinrich are blameworthy to the same degree, but they are blameworthy for (partly) different sets of events.

OBJECTION 2.

Another objection is brought forward by Nathan Hanna. According to Hanna, someone can be blameworthy to different degrees in two different scenarios, even though the same counterfactual is true of him in both scenarios. Imagine, for instance, that Jimmy has promised his spouse to stop eating at the local McDonald's. However, he knows that if he were to drive by the local McDonald's while it is open, he would succumb to the temptation and break his promise. He, therefore regularly avoids driving by the McDonald's while it is open. It seems that he is *not* blameworthy, or at least not as blameworthy as he would be if he were to break his promise, even though he *would* break his promise if he were to drive by the McDonald's.²⁶

I think this objection can be met. Let us compare two scenarios: in scenario #1, Jimmy knows that he would succumb to eating at the McDonald's if he were to drive by but nonetheless freely drives by and succumbs to the temptation to eat there. In scenario #2, Jimmy also knows that he would succumb to

eating at the McDonald's if he were to drive by, and therefore does *not* drive by and does *not* eat there. It is clear that Jimmy in scenario #1 is *more* blameworthy than Jimmy in scenario #2 (if the latter is blameworthy at all), although they are both such that they would succumb to the temptation if they were to drive by. We can grant this intuition, though, by considering a further counterfactual. In scenario #1, Jimmy is such that he would freely drive by the McDonald's, whereas in scenario #2, Jimmy is such that he would freely *avoid* driving by the McDonald's, thereby keeping his promise. Because of these further counterfactual truths, Jimmy in scenario #1 is more blameworthy than Jimmy in scenario #2.

Hanna's reply to a response along these lines is twofold.²⁷ First, he claims that an appeal to further counterfactuals is implausible when it comes to *laudability*. If someone would do something laudable in circumstances *C*, but avoids *C* for morally despicable reasons, it seems to Hanna that that person is not laudable at all. My response is twofold. First, as I said, my account is limited to moral *blameworthiness*. How this relates to moral laudability is an issue that deserves further philosophical investigation. Second, I agree that the person in this situation is *not* laudable if she would *not* perform the action *freely* in *C*. If, however, she would perform it *freely*, then it seems that she is at least somewhat laudable. And, of course, that laudability might be overshadowed or even outweighed by her blameworthiness for choosing not to be in *C*.

Second, Hanna thinks that the proposal is less plausible for scenarios in which people do not actually *intend* or *try to* do something wrong. He sketches a further scenario, one in which Jenny lives a stable and idyllic life, but would collaborate if she were in Nazi-Germany-like conditions. He points out that Jenny is *not* as culpable as the Nazi collaborator, even though Jenny is such that she would

freely collaborate if she had been in the same circumstances. He spells out this objection in some more detail in terms of reasons-responsiveness. According to Hanna, if people are blameworthy, they are blameworthy because they are insufficiently responsive to reasons to act otherwise. Now, she claims, there are two options: if someone is culpable because he would do something wrong in certain counterfactual circumstances (as, I have admitted, is sometimes the case), then she is culpable either because (a) in those circumstances, she is insufficiently responsive to reasons or because (b) in being such that this counterfactual is true about her, she is insufficiently responsive to reasons. However, both options, he claims, are problematic. Option (a) is problematic because it seems that if Jimmy avoids driving by the McDonald's, he is not as culpable as someone who freely drives by the McDonald's and subsequently breaks his promise, even if both of them would fail to be sufficiently reasons-responsive if they were to drive by the McDonald's. Option (b) is also problematic because even though Jenny might have good reasons *not* to be such that she would be a Nazi collaborator in certain counterfactual circumstances, those reasons cannot be strong enough to be as blameworthy as the person who actually collaborates with the Nazis.

Let us assume with Hanna that if people are blameworthy, then they are blameworthy because they are (or were) insufficiently responsive to certain reasons. It seems to me that neither (a) nor (b) is problematic for the reasons mentioned by Hanna. As to (a), my proposal actually *grants* that Jimmy is not as culpable as someone who breaks his promise. *Ceteris paribus*, they are both equally blameworthy for being such that they would freely break their promise if they were to drive by the McDonald's. Still, Jimmy is *less* blameworthy because, in opposition to his counterpart, he *is* sufficiently responsive to his reasons not to drive by the McDonald's.

As to (b), Hanna's verdict here also squares well with what I said about luck: since Jenny's counterfactual circumstances are *too* different from her circumstances in the actual world, it is *not* a matter of luck that she is not a Nazi collaborator, and this case, therefore, provides no counter-example to my modal solution to the problem of moral luck.²⁸

OBJECTION 3.

Next, one may worry that my account may solve the problem of moral *luck*, but that it does not solve a closely related problem with moral blameworthiness. Imagine that Jenny is born in a peaceful democracy rather than in Nazi Germany, whereas Heinrich, a Nazi, is born in Nazi Germany. Imagine also that Heinrich freely performs racist actions, whereas Jenny does not, but *would have* done so if she had been born in Nazi Germany. If what I argued is right, it is *not* a matter of luck that she does not perform those racist actions, but it still seems *beyond Heinrich's control* that he is born in Nazi Germany and *beyond Jenny's control* that she is born in a peaceful democracy. How can we properly assess them differently from a moral perspective if whether or not they perform racist actions depends at least partly on factors that are beyond their control?

Since this problem does not involve the notion of luck, it is somewhat different from the problem of moral luck that I discussed above. Let us call this new problem the *problem of control*. Since it is a somewhat different problem, the solution I will offer also differs somewhat from the solution I offered above. Now, let us consider the scenario in some more detail. I will be explicit as I can, even if that means being a bit tedious at points. First, obviously, Jenny is *not* responsible for being born in a democracy, and Heinrich is not responsible for being born in Nazi Germany, for those are things that are beyond their control. Second, if Heinrich has sufficient reasons to act otherwise and acts freely in performing

cruel racist actions, he is blameworthy for that, for he then has control over being such that he freely betrays a Jew and performs other racist actions in the circumstances he is in. Third, for Jenny, growing up in Nazi Germany is a state of affairs that obtains in a possible world that is far away from the actual world, in which she lives in a peaceful democracy. It seems undeniable that growing up in a Nazi society would deeply affect her beliefs, character, and desires. Thus, even if it is true that Jenny is such that if she had grown up in Nazi Germany, she would have performed cruel racist acts, she *has no control* over being such, for no matter what she does in the actual world, things in the possible world in which she grows up in Nazi Germany are so different, that what she does in the actual world will make no difference to what she does in the possible world in which she grows up in Nazi Germany. In this regard, Jenny differs from, say, Tom and me, who are both such that we have control over whether or not we are such that we recklessly shoot in the garden (or, at least, so I have assumed in the example).

Now, one could try to circumvent this response by construing the scenario in a slightly different way. In this alternative scenario, Jenny also lives in a peaceful democracy, but this time someone in that democracy has invented a time machine that can bring someone back to Nazi Germany. In this scenario, it is true that *if* she were to enter the time machine, she would travel back in time to Nazi Germany *while her character, beliefs, and desires* remain constant. Now, it seems that Jenny *has* control over being such that she would freely perform racist actions if she were in Nazi Germany, for if she becomes a loving and friendly person in the actual world, then it seems she would *not* freely perform racist actions if the time machine were to bring her back in time to Nazi Germany. That seems right to me. But we should note that our intuitions about whether or not she is blameworthy seem to change accordingly:

if Jenny could travel back in time to Nazi Germany while her personality remains the same, and if she would freely perform racist actions if she were to do that, then, it seems, she is blameworthy for being such that she would do that. In fact, if this is a real option for Jenny, then it seems that we may well blame her as much as someone who actually lived in Nazi Germany and freely performed racist actions. Thus, depending on how we construe the scenario, Jenny either has no control over being such that she would freely betray a Jew if she lived in Nazi Germany and is *not* blameworthy for that, or she *has* control over being such that she would freely betray a Jew if she lived in Nazi Germany and *is* blameworthy for that. Both options are perfectly compatible with the position that I have advocated, namely that what happens beyond one's control can make a difference to the *scope*, but *not* to the *degree* of one's blameworthiness.

Just to be clear: I do *not* claim that in the alternative scenario it is a matter of *luck* that Jenny travels back to Nazi Germany. The government might select only one out of every million inhabitants to travel back in time, so it might be the case that in virtually all nearby possible worlds, Jenny does not live part of her life in Nazi Germany. All I am saying is that in this scenario, control and blameworthiness seem to come and go together, as premise (1) dictates they should. Now that, in this alternative scenario, Jenny *has* control over whether she is such that she would perform racist actions in Nazi Germany, she seems responsible for whether or not she is such. She does *not* have control over whether or not she does certain things in possible worlds that are much further away, worlds in which she has a different character, different beliefs, and different desires. But then we do not seem to hold her responsible for that. Thus, neither in solving the problem of luck nor in solving the problem of control does the Degree/Scope approach face a *reductio*.²⁹

OBJECTION 4.

Finally, do we not blame people more if bad consequences obtain as the result of the violation of a moral obligation? For example, would we not blame me more than Tom if Tom and I take the same risk, but a girl is killed as the result of my shot, whereas no one is killed as the result of Tom's shot? Maybe we do, and maybe we should. It does not follow that I am more blameworthy than Tom. There seem to be several reasons why we sometimes blame people who suffer from bad luck more than others who do not suffer from bad luck. First, we are often quite irrational and blame someone for something while, upon further reflection, we would not blame that person, or at least not to that degree. We easily slip from *objective* negative attitudes, such as disapproval, to *reactive* negative attitudes, such as resentment and blame.³⁰ Second, our epistemic deficiencies often play a pivotal role in our practice of blaming people: if some bad consequence obtains, we will thereby know for sure that that person took a certain risk, whereas we are not always certain of that if no such bad consequence obtains.³¹ Finally, *overtly blaming S* more than *S** ought to be distinguished from *S's being more blameworthy than S**. It can be justified for all sorts of reasons, such as educational purposes, to overtly blame someone more than someone else, even if they have violated the exact same obligations and are, therefore, equally blameworthy.³² This is especially true of blame in judicial contexts, for legal punishment is often given at least partly in order to educate the perpetrator and to deter others from committing the same kind of crime.³³

V. CONCLUSION

The problem of moral luck, as I discussed it, is the set of three theses, each of which seems plausible, but which, it seems, cannot all be true. The three theses are that (1) one can only be blameworthy for what is within

one's control, (2) events that are due to luck are events that are beyond one's control, and (3) we sometimes properly blame people for events that are due to luck. I have argued that the problem can be solved by distinguishing between *degree* and *scope* of blameworthiness and by paying attention to the nature of luck. I argued that an event *E* is lucky or unlucky for some person *S* at some time *t* iff (i) *S* lacks control over the occurrence of *E* at *t*, (ii) *E* is significant to *S* at *t*, and (iii) *E* occurs in the actual world, but not in a wide

class of nearby possible worlds. Since only those events are lucky that could easily have failed to obtain, in solving the problem of moral luck, we can legitimately exclude (not consider) what happens in faraway possible worlds. Thus, the modal analysis of luck that I have defended avoids the *reductio* that threatens the Degree/Scope approach to the problem of moral luck. If what I have argued is correct, then, the problem of moral luck has been solved.

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NOTES

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1. I assume that our decision to play a risky shooting game is a genuinely joint enterprise and that there is no greater epistemic negligence on my part than on Tom's.
2. In this paper, I confine myself to *moral* blameworthiness. What I say might also apply to *epistemic* and *prudential* blameworthiness. Let me stress, though, that I do *not* take it to apply to *legal* blameworthiness.
3. That one is not at all responsible for events that are due to luck seems to be the view of Corlett (2008), p. 190; Statman (1993), p. 1. According to Neil Levy, *all* our actions suffer from luck and, therefore, we are not responsible for anything; see Levy (2011).
4. Daniel Statman (1991) argues that there is a close *analogy* between moral and epistemic luck, but he does *not* discuss how the analysis of epistemic luck that epistemologists provide might help to *solve the problem* of moral luck.
5. Among these other solutions are (a) the suggestion that life is unfair and that we should accept that luck can render us more blameworthy, (b) the idea that we should abandon the reactive attitude of blame altogether, and (c) the thesis that the question of whether I am *more* blameworthy than Tom is nonsensical, since Tom and I are blameworthy for different sets of states of affairs, and one can compare people's blameworthiness only if they are blameworthy for the *same* states of affairs.
6. This distinction is made by Latus (2000), p. 151; Thomson (1993), p. 205; Zimmerman (1988), pp. 56–57; Zimmerman (1993), p. 227; Zimmerman (2002), p. 560; Zimmerman (2006), pp. 598–601.
7. Thus, for instance, Smith (2013).
8. This has been pointed out by, among others, Latus (2000), pp. 153–155.
9. One could, of course, deny that there are such things as true counterfactuals of freedom, either because there are no such counterfactuals or because they are not true or false. Many philosophers, though, think that there are true counterfactuals of freedom, so in what follows, I assume that it makes sense to talk about what humans would freely have done in different circumstances.

10. That luck inevitably affects our actions is rightly argued by Feinberg (1962), pp. 348–350; Levy (2011); Rescher (1995), p. 19.
11. Some philosophers think that we have *origin essentiality*, that is, that we could not have had different parents from the ones we have. This, however, is a controversial view. Below, I provide a response to the *reductio* that does not depend on this issue.
12. For this response, see Hurley (1993), p. 198; Rescher (1993), p. 155; Rescher (1995), pp. 30–31, 155–158.
13. See, especially, Zimmerman (1993), p. 228; Zimmerman (2002), pp. 564–565; Zimmerman (2006), p. 605.
14. See Pritchard (2005), p. 260; Pritchard (2006), p. 9.
15. For simplicity, I focus on events here. A similar principle applies to states of affairs.
16. See, for example, Athanassoulis (2005), p. 20; Card (1990), p. 199; Greco (1995), p. 83; Moore (1990), pp. 301–305; Zimmerman (1993), pp. 219, 231; Zimmerman (2002), p. 559n; Zimmerman (2006), pp. 585–590.
17. Thus, also Levy (2011), p. 14. Coyne (1985), p. 322, defines luck as the absence of control in conjunction with significance. As we shall see below, even this is not sufficient.
18. See Harper (1996), p. 276; Morillo (1984), pp. 109, 125.
19. See Browne (1992), pp. 345–346; Harper (1996), p. 274.
20. That luck is a matter of what happens in nearby possible worlds is often noted in the epistemological literature; for example, Greco (2003), pp. 353–354.
21. Pritchard (2005), pp. 128–133; Pritchard (2006), p. 4; and Rescher (1995), pp. 211–212, seem to think that it is not.
22. See Lackey (2008), pp. 258–259.
23. For a somewhat similar diagnosis of this scenario, see Levy (2009), pp. 491–493.
24. See Latus (2003), pp. 467–470. This also seems to be the view of Rescher (1993), pp. 146–147.
25. Of course, it may be a subjective matter whether something is significant to one in the sense that, for instance, stamps can be significant to one because one collects them. What I deny is that luck should be understood subjectively in the sense that one is lucky only if one *realizes* or *believes* that the event in question is significant to one.
26. See Hanna (forthcoming).
27. Ibid.
28. One may object that it is still *beyond Jenny's control* that she is born in a peaceful democracy rather than in Nazi Germany. I return to this objection below.
29. Elsewhere, I have addressed Levy's worry that control has demanding epistemic conditions and that agents often, as a matter of luck, fail to satisfy these conditions. See Peels (2011). For Levy's worry, see Levy (2011), pp. 110–132.
30. This is rightly noticed by Slote (1992), p. 120. The distinction between reactive and objective attitudes was introduced by Peter Strawson. See Strawson (1974), pp. 4–13.
31. Thus also, Enoch and Marmor (2007), p. 415.
32. This is also noted by Jensen (1993), pp. 132–133; Pritchard (2006), p. 5.
33. For a similar point, see Athanassoulis (2005), p. 59.

REFERENCES

- Athanassoulis, Nafsika. 2005. *Morality, Moral Luck, and Responsibility: Fortune's Web* (New York: Palgrave Macmillan).
- Browne, Brynmor. 1992. "A Solution to the Problem of Moral Luck," *Philosophical Quarterly*, vol. 42, no. 168, pp. 345–356.
- Card, Claudia. 1990. "Gender and Moral Luck," in *Identity, Character, and Morality*, ed. Owen Flanagan and Amélie Oksenberg Rorty (Cambridge, MA: MIT Press), pp. 199–218.
- Corlett, J. Angelo. 2008. "Epistemic Responsibility," *International Journal of Philosophical Studies*, vol. 16, no. 2, pp. 179–200.
- Coyne, Margaret U. 1985. "Moral Luck?," *Journal of Value Inquiry*, vol. 19, no. 4, pp. 319–325.
- Enoch, David, and Andrei Marmor. 2007. "The Case against Moral Luck," *Law and Philosophy*, vol. 26, no. 4, pp. 405–436.
- Feinberg, Joel. 1962. "Problematic Responsibility in Law and Morals," *Philosophical Review*, vol. 71, no. 3, pp. 340–351.
- Greco, John. 1995. "A Second Paradox Concerning Responsibility and Luck," *Metaphilosophy*, vol. 26, nos. 1–2, pp. 81–96.
- . 2003. "Virtue and Luck, Epistemic and Otherwise," *Metaphilosophy*, vol. 34, no. 3, pp. 353–366.
- Hanna, Nathan. Forthcoming. "Moral Luck Defended," *Noûs*.
- Harper, William. 1996. "Knowledge and Luck," *Southern Journal of Philosophy*, vol. 34, no. 3, pp. 273–283.
- Hurley, Susan L. 1993. "Justice without Constitutive Luck," in *Ethics: Royal Institute of Philosophy Supplement*, Vol. 35, ed. A. Phillips Griffiths (Cambridge, UK: Cambridge University Press), pp. 179–212.
- Jensen, Henning. 1993. "Morality and Luck," in *Moral Luck*, ed. Daniel Statman (Albany: State University of New York Press), pp. 131–140.
- Lackey, Jennifer. 2008. "What Luck Is Not," *Australasian Journal of Philosophy*, vol. 86, no. 2, pp. 255–267.
- Latus, Andrew. 2000. "Moral and Epistemic Luck," *Journal of Philosophical Research*, vol. 25, pp. 149–172.
- . 2003. "Constitutive Luck," *Metaphilosophy*, vol. 34, no. 4, pp. 460–475.
- Levy, Neil. 2009. "What, and Where, Luck Is: A Response to Jennifer Lackey," *Australasian Journal of Philosophy*, vol. 87, no. 3, pp. 489–497.
- . 2011. *Hard Luck: How Luck Undermines Free Will and Moral Responsibility* (Oxford, UK: Oxford University Press).
- Moore, Adrian W. 1990. "A Kantian View of Moral Luck," *Philosophy*, vol. 65, no. 253, pp. 297–321.
- Morillo, Carolyn R. 1984. "Epistemic Luck, Naturalistic Epistemology and the Ecology of Knowledge or What the Frog Should Have Told Dretske," *Philosophical Studies*, vol. 46, no. 1, pp. 109–129.
- Peels, Rik. 2011. "Tracing Culpable Ignorance," *Logos and Episteme*, vol. 2, no. 4, pp. 575–582.
- Pritchard, Duncan. 2005. *Epistemic Luck* (Oxford, UK: Clarendon Press).
- . 2006. "Moral and Epistemic Luck," *Metaphilosophy*, vol. 37, no. 1, pp. 1–25.
- Rescher, Nicholas. 1993. "Moral Luck," in *Moral Luck*, ed. Daniel Statman (Albany: State University of New York Press), pp. 141–166.
- . 1995. *Luck: The Brilliant Randomness of Everyday Life* (Pittsburgh, PA: University of Pittsburgh Press).
- Slote, Michael. 1992. *From Morality to Virtue* (Oxford, UK: Oxford University Press).
- Smith, Holly M. 2013. "Negligence," in *International Encyclopedia of Ethics*, ed. Hugh LaFollette.
- Statman, Daniel. 1991. "Moral and Epistemic Luck," *Ratio*, vol. 4, no. 2, pp. 146–156.
- . 1993. Introduction to *Moral Luck*, ed. Daniel Statman (Albany: State University of New York Press), pp. 1–34.

- Strawson, Peter F. 1974. "Freedom and Resentment," in *Freedom and Resentment and Other Essays* (London: Methuen), pp. 1–25.
- Thomson, Judith J. 1993. "Morality and Bad Luck," in *Moral Luck*, ed. Daniel Statman (Albany: State University of New York Press), pp. 195–215.
- Zimmerman, Michael J. 1988. *An Essay on Moral Responsibility* (Totowa, NJ: Rowman & Littlefield).
- . 1993. "Luck and Moral Responsibility," in *Moral Luck*, ed. Daniel Statman (Albany: State University of New York Press), pp. 217–233.
- . 2002. "Taking Luck Seriously," *Journal of Philosophy*, vol. 99, no. 11, pp. 553–576.
- . 2006. "Moral Luck: A Partial Map," *Canadian Journal of Philosophy*, vol. 36, no. 4, pp. 585–608.