

Negotiating Moral Luck

Jack Cody

Abstract

In this essay, I intend to elucidate Thomas Nagel's radical concept of moral luck and the unnerving philosophical paradox that it inevitably arises when it is stripped to its essence: in pursuit of a method of fair moral assessment, we approach the possibility that nothing and no one can be aptly judged on moral grounds. I analyze some refutations to this troubling paradox, including Susan Wolf's promising rejection of the subcategory of consequential luck due to the existence of a proposed "nameless virtue." In light of these refutations and Nagel's and Bernard Williams' musings on moral luck, I aim to propose courses of action that can lead to a functional society despite the paradox entailing the idea that humanity has no place for accurate moral judgment. In doing so, I suggest that moral luck must, to an extent, be ignored, and that a practical approach to humanity would continue to make moral judgments despite being threatened with Nagel's sound declaration that this behavior is not logical.

Paper

The fields of moral psychology and philosophy have broken significant ground in uncovering fascinating, yet deeply unsettling aspects of our moral composition and judgments. The reason why the results of such hallmark psychological experiments as Milgram's obedience studies loom large in these fields is because of their exposure of the power of circumstance in bringing out a latent maleficence in people thought to have no evil in their character. Though these unanticipated results have inspired a whirlwind of doubt surrounding the status of human agency, morality, and character, it is the philosophical musings of Thomas Nagel (1979) on the concept of "Moral luck" that perhaps venture most into troubling territory. Moral luck, coined by Bernard Williams (1976, 1981), occurs when one does not account for the factors beyond an actor's control in condemning or praising the actor for their actions. In this essay, I seek to outline Nagel's account of moral luck and the distressing paradox that it entails when taken to its logical conclusion. I will then examine and challenge the works of those who reject Nagel's account, the most robust and intriguing being Susan Wolf's *The Moral of Moral Luck* (2001), and discuss the philosophical implications of and practical response to these findings.

At the crux of Nagel's evaluation of moral luck is his distinction between four types of luck subject to moral assessment: constitutive luck (luck in one's genetics, inclinations, etc.), circumstantial luck (luck in the situations one faces), luck based on antecedent circumstances, and luck in the consequences or results of the action(s) in question

(consequential luck) (Nagel 1979, 1). As the paradigmatic example explains, though it seems intuitive that the drunk driver who does not happen to be driving in the path of a child crossing the street should still be held equally morally accountable as the equally drunk driver who does drive in this child's path and strikes him, we tend to hold the latter more accountable. The tug-of-war here between the intuition and the descriptive evaluation of the situation that we see in real life is the heart of the issue of moral luck. It seems that any conscientious philosopher would agree with Nagel and intuition that it is wrong to allow moral luck to influence our evaluation in this case. However, the problem arises once we take moral luck to its logical conclusion, and approach the dangerous notion that no one can ever be held morally accountable for any action. As Williams (1981) asserts, making morality immune to luck may be an unattainable goal, and "admiration or liking or even enjoyment of the happy manifestations of luck can seem to be treachery to moral worth" (38). Nagel's take is even more pessimistic for those who hope moral judgments can transcend the confines of luck: "If the condition of control is consistently applied, it threatens to erode most of the moral assessments we find it natural to make" (2). If we inspect moral luck and its subcategories further, pessimism appears to be an appropriate response.

The interactions between Nagel's proposed subcategories of moral luck make the ramifications of taking moral luck to its logical conclusion apparent and clarify the paradox of moral luck. To return to the example, if we hold that it is the act of driving drunk itself that is the morally reprehensible act, regardless of this action's consequence, then we ignore the constitutive and circumstantial luck that lie at the heart of one's decision to drive impaired. It cannot be true that the man who drives drunk and the man who has never done so differ solely in that decision. There must be some difference in constitution or else circumstances that leads to this different action. Because these differences in inclinations, temperament, etc. are entirely out of their control, then the differences between these two men's actions and consequences must also be governed by luck.

So, if we subscribe to ignoring moral luck in making moral evaluations, then it seems even in cases like these that psychologically appear to be deserving of punishment on a moral basis, we cannot deem the two events as any different morally. This paradox of moral luck—where taking into account luck in making moral judgments leads us to not be able to make any moral judgments—is intuitively and practically troublesome. If we adhere to ignoring factors outside of an agent's control in making moral judgments, then we may not be able to make any moral assessments whatsoever. One could not claim that the serial killer is more morally accountable than his victims and similarly we could not conclude that Mother Teresa was more virtuous than was Adolf Hitler. The conclusion seems absurd, but, as outlined, it is borne from rather airtight logic in which "the intuitively acceptable conditions of moral judgment threaten to undermine it all" (Nagel 1979, 2). This paradox is powerful, dangerous, and, worst of all, maybe the soundest approach to moral assessment. Indeed, reducing moral luck to its bare bones may render the pursuit of legitimate moral judgment a fool's errand.

Many philosophers refuse to accept this disconcerting notion, attempting to poke holes at Nagel and Williams' descriptions of moral luck. Brian Rosebury (1995) claims that both Nagel and Williams' examples to illustrate the problem of moral luck are incomplete. He homes in on Williams' classic example of Gauguin, the man who makes the decision to abandon his wife and children in pursuit of a life as a prolific, talented artist abroad in Tahiti (518). Rosebury argues that Williams focuses too much on the idea of consequential luck influencing the moral judgments of Gauguin, when it is clear that what is moral in this case is not the consequences of the action but the agent's deployment of knowledge and the degree of stringency with which Gauguin treats this potentially grave decision. He claims that a case like Gauguin's demonstrates the idea that morality is not subject to the luck that one faces, but that moral choice is instead "often very lonely (519)" as a truly moral decision will depend on conscientiously making a decision rather than the anticipation of blame or praise on moral grounds.

Rosebury's argument is admirable, but fails to consider the full scope of Nagel's concept of moral luck. While intuitively it does seem that ignoring the consequential luck of Gauguin's situation may settle the dilemma of moral luck, even a hypothetical where Gauguin painstakingly considers all degrees of pros and cons in making a perfectly utilitarian decision is subject to an astonishing magnitude of moral luck. The hypothetical Gauguin who is most aware of his fallibility and works to avoid any sort of decision-related negligence acts this way because of constitutive luck and perhaps a strong environmental influence (circumstantial luck) in the form of strong parenting, a good upbringing, etc. Therefore, Rosebury fails to explain how we can make moral judgments while ignoring moral luck, though he does touch on a compelling idea; it seems that constitutive luck and, to an extent, circumstantial luck, should be held to a different standard than purely consequential luck. I will address this notion later.

Nathan Hanna (2012) presents a similarly flawed rejection of Nagel's account of moral luck. He also seems to make the mistake of ignoring constitutive luck, as many detractors of Nagel do. Hanna outlines the case of George and Georg, two assassins who intend to kill a target, with Georg failing to do so as a truck blocks his line of sight (686). He claims that we can endorse the Control Principle—We are morally assessable only to the extent that what we are assessed for depends on factors under our control (687)—and still hold that Georg and George should be judged morally differently on the grounds that they're not assessable for the same things, as one murdered someone and the other didn't. Hanna then goes on to claim that though the lack of control of circumstances entails a lack of control over what options are available, it doesn't entail a lack of control over which of these options Georg and George ultimately take. This leads to the conclusion that "for all CP says, someone who doesn't murder because he wasn't presented with the requisite opportunities can be assessed differently from a murderer" (691). This may be true for the very particular, isolated circumstances of the Georg/George hypothetical (the presence or lack thereof of the truck), but there are two reasons why this reasoning is flawed. It is the intention to kill that we are assessing here when making a moral judgment of the two assassins, an intention that is the same

for the two and thus would lead to the same moral judgment, and also it is clear, again, that even if we are accurately judging the intention, we are failing to recognize that the constitutive and circumstantial factors that led them to this dastardly intention were out of their control as well. Thus, Hanna fails to discredit circumstantial luck in this case as he claimed to.

At this point, we are at much the same troubling crossroads where the unsettling conclusion of Nagel's conception of moral luck remains unscathed. Nagel foresaw the ambitious futility of moral luck's detractors, labeling it "a mistake to argue from the unacceptability of the conclusions to the need for a different account of the conditions of moral responsibility" (2). Before delving into Susan Wolf's astute attempt to buck the trend and "find the moral in the phenomenon of moral luck (Wolf 2001, 6)," it is important to examine Williams' notion of agent regret. Agent regret is a type of regret that can only be aimed toward one's own actions, and involves the agent taking responsibility for the regretful act (1981, 29). Returning to the example of Gauguin, Williams suggests that the feeling of agent regret based upon retrospective attitudes of his failure can be deemed a moral act itself, and thus perhaps shows that factors out of the agent's control (the ultimate success or failure of Gauguin's decision) can influence the moral assessment of the decision (36). Nagel does not buy this explanation, and asserts that Williams fails to explain why these retrospective feelings can be deemed moral, thus maintaining the logic that moral evaluations cannot be justified by factors the agent cannot control. Rosebury echoes this contention, stating that agent regret exists only because one can never be sure that they are truly free of negligence in committing a regretful act, and thus there is no reason to believe that these moral luck-bred feelings reflect morality (514-515). This brings us to Wolf's take on the matters of agent regret and the moral status of this distinctive, luck-based emotion.

Wolf is primarily concerned with investigating the phenomenon of consequential luck, and believes that what she calls the "rationalist position (6)" of moral luck, in which one believes that equal recklessness deserves equal blame regardless of consequences in the negligent driver example, is incomplete. Before getting into the crux of her argument, she notes that it appears problematic to suggest that the human tendency to blame people differently based on how much harm they caused rather than how negligent they were can be explained entirely by insufficient knowledge and irrational emotions (6). Though in the abstract, the rationalist position seems quite appealing, if it is accurately employed in real-world, the resultant behavior can be quite off-putting. In a hypothetical, rationalist world where the driver who kills a child receives the same amount of moral blame as the equally negligent driver who kills no one, this would entail that the killer driver blames himself as much as the solely negligent driver blames himself. Though the driver who was simply negligent would be sad to learn that a child had died and perhaps attribute a level of blame to himself due to an acknowledgement of a slight negligence that could have led to the same result, this does not account for the specific agent regret that we would anticipate the killer driver to suffer. Now, imagine the killer driver who is able to embody the rationalist position and assume the same

amount of self-blame as the purely negligent driver, feeling a twinge of grieving and regret at his small amount of negligence, but also able to distance himself from intense agent regret through realization of his unlikely degree of consequential luck. As Wolf notes, there is something rather disturbing about this fully rational driver's detaching himself from the child's death, despite how conceptually coherent this attitude may be (13). It conveys an undesirable and arguably unacceptable way of living—an instinctively immoral lack of agent regret.

It is this line of reasoning that brings Wolf to propose that adequately taking responsibility for one's actions and the ensuing consequences in cases such as this, despite their being prone to consequential luck-based factors outside of the agent's control, is a virtue in itself. She deems this virtue the "nameless virtue (13)," and offers compelling reasoning for its being a virtue deserving of moral assessment. Wolf argues that this nameless virtue is akin to the virtue of generosity as its presence in those bestowed with it urges them to appreciate the effects of their actions, regardless of the degree of luck involved, as "significant for who [they] are and for what [they] should do" (15). By accounting for this virtue, we can consistently be rationalists when it comes to levying blame on others while also allowing for two agents who experienced different results based on pure consequential luck to react differently to their respective situations. If it is true that this nameless virtue exists, then the strength of consequential luck is put into doubt, and perhaps one can validly make moral judgments that are influenced by this particular type of luck.

However, many are skeptical that this nameless virtue can be branded thusly, and further doubt the morality of this type of emotion. As stated earlier, though Nagel does not directly respond to Wolf, he fails to endorse the view that such retrospectively-influenced feelings can be labeled as moral. There is also Rosebury's important point that this allegedly-virtuous feeling of agent regret may not be moral as it is a byproduct of agents' inevitable lack of certainty that it is ever solely consequential luck that causes their misdoings. These are valid criticisms, and I feel that Rosebury's in particular is important to consider when discussing the nameless virtue. Even if an agent were to perfectly subscribe to the rationalist position, no one could ever be granted all the epistemological information necessary to be sure that their misfortune was governed purely by consequential luck. Still, something does seem perturbing about a hypothetical agent—certain that poor consequential luck is all that played a role in the horrible consequences of his action—who is nevertheless able to divorce himself from the act. I believe the existence of this nameless virtue can be argued *ad nauseam*, and though no one can be certain of its existence, it does put into doubt consequential luck's strength. A subcategory of moral luck such as constitutive luck, on the other hand, is not subject to such doubt. Taking the nameless virtue to be legitimate, those who aren't endowed with it surely aren't as a result of constitutive luck, and thus cannot be morally judged on the grounds of constitutive luck if we adhere to the control principle. This brings us back to the notion that certain types of moral luck—it seems constitutive and circumstantial luck—can be held to a different standard than consequential luck (luck

based on antecedent circumstances is essentially a mixture of the former two types). Though Hanna attempted to demonstrate that one can adhere to the control principle and still make moral judgments influenced by circumstantial and constitutive luck, it seems that this belief has yet to be the least bit supported.

We have again circled back to the same troubling starting point, albeit with a potential blow to consequential luck (which nonetheless seems to be influenced by the interaction between constitutive and circumstantial luck). What are we to do with the troubling idea that, if we subscribe to the reasonable belief that people should not be morally judged for factors beyond their control, then we cannot make any moral judgments whatsoever? Perhaps we can rest easier knowing that the world can more hopefully approach order if we reject this logical conclusion in favor of a more practical and rational one that promotes judgments that resemble moral assessments even if they do not adhere to the control principle. In his postscript to his original article on moral luck, Williams pushes back against Nagel's rebuttal, explaining that the case of Gauguin shows that one can be rationally justified in decisions based on moral luck, if not morally justified (252). In establishing that our rational judgment of someone's decision can be based on factors outside of that person's control, we can propose the existence of a type of value, separate from moral value if we adhere to Nagel, that can allow us to avoid the damning implication of Nagel's concept of moral luck. It would certainly be convenient, reasonable, and practical to do so, even if we do not semantically consider these judgments to be morally-driven assessments.

In doing so, we can accept the insultingly reasonable assertion that Mother Teresa and Hitler are, indeed, not deserving of equal blame. Surely someone like Sophie Scholl deserves to be lauded for her heroism, while a man such as Adolf Eichmann deserves severe punishment, even when taking into account the strength of their respective environmental and constitutive factors. Though Eichmann can be held as *morally* accountable as a crimeless man living in present-day Germany who would have committed the same crimes in Eichmann's circumstances, the latter person could not be held accountable for his constitution as his latent immorality would not have a chance to make itself apparent. Thus, the problem with adhering to moral luck and the control principle is that assuming such a position leads to practical disasters in the punitive and laudatory realms. If certain intentions or constitutions were similarly punished regardless of their consequences or circumstances, then punishment would become ubiquitous in society and nary a person could trust another. On the other hand, if we deviate from Nagel's unsettling conclusion and endorse the non-moral value that Williams endorsed in his postscript, we will surely enjoy a healthier, more utilitarian society.

Concluding remarks

Indeed, the philosophical implications of Nagel's paper are tremendously damaging to such sacred values as fair moral evaluation and human agency, but it is clear that we should not and do not have to (and imaginably could not) apply this disquieting philosophy to our lives and most precious values. As Roger Crisp (2017) outlines in his essay on moral luck and the equality of moral opportunity, rewarding actual successes and punishing actual harms, while ignoring the critical effects of factors outside of people's control, "will encourage people to try harder to succeed... [and] motivate agents to take greater care than they otherwise would to avoid bad outcomes, such as unintended killings" (6). Though the weight of moral luck is inescapable, its oppressive hold on humanity must be largely ignored if it is our aim to foster a world of order and goodness.

Bibliography

Crisp, Roger. "Moral Luck and Equality of Moral Opportunity," *Aristotelian Society Supplementary Volume*, vol. 91, Issue 1, 1 June 2017, pp. 1–20.

Hanna, Nathan, "Moral Luck Defended." *Noûs*, vol. 48, Issue 4, 2014, pp. 683-698.

Nagel, Thomas. "Moral Luck." *Aristotelian Society Supplementary Volume*, vol. 50, Issue 1, 1976, pp. 137–155.

Rosebury, Brian. "Moral Responsibility and 'Moral Luck.'" *The Philosophical Review*, vol. 104, Issue 4, October 1995, pp. 499-524.

Statman, Daniel, and Bernard Williams. "Postscript." *Moral Luck*, State Univ. of New York Press, 1993.

Williams, Bernard. "Moral Luck." *Moral Luck: Philosophical Papers, 1973-1980*, Cambridge University Press, 2002, pp. 20–39.

Wolf, Susan. "The Moral of Moral Luck." *Philosophic Exchange*, vol. 31, Issue 1, 2001, pp. 5-19.