

Better Good Than Lucky:

The Illusion of Constitutive Moral Luck

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On the view of moral responsibility most widely accepted today, a person cannot be justly praised or blamed for his actions unless he exerts some measure of control over them. So if a man releases a critical pulley rope on a construction job due to a sudden heart attack, leaves the scene of an auto accident because he's spirited away by kidnappers, or breaks a vase when knocked over by a strong gust of wind, his lack of control over his bodily movements absolves him of any moral blame. In such cases, the person is not the cause of his actions: they are neither generated nor controlled by him. As such, his actions fail to meet the basic "control condition" for morally responsible action. To hold a person morally responsible for such actions would be unjust in much the same way as praising or blaming one man for the deeds of another.

This standard view of moral responsibility has been challenged in recent years by the problem of "moral luck." As first introduced by Bernard Williams and then further developed by Thomas Nagel, the proposed category of moral luck attempts to highlight a range of cases in which "a significant aspect of what someone does depends on factors beyond [the person's] control, yet we continue to treat him in that respect as an object of moral judgment."¹ For example, the "morally significant difference between reckless driving and manslaughter" may depend solely on "the presence of the pedestrian [or not] at the point where [the driver] recklessly passes a red light" rather than on any action by the driver.² In such cases, the person's action seems substantially determined by outside forces, yet we hold him morally responsible. In so doing, we seem to violate the control condition for moral responsibility. Since such outside forces intrude upon almost every human action, Nagel claims that the consistent application that control condition "threatens to erode most of the moral assessments we find it natural to make" such that "ultimately, nothing or almost nothing about what a person does seems to be under his control."³ The very concept of moral luck thus presents us with a serious philosophic puzzle about moral responsibility.

In this paper, I will argue that the problem of moral luck, although initially compelling, is largely a philosophic illusion generated by Nagel's coarse and superficial characterization of the conditions of moral responsibility. Nagel constructs the paradox of moral luck from our standard view of moral responsibility without examining its philosophic source, namely Aristotle's complex and detailed theory developed in Book III of the *Nicomachean Ethics*. Careful examination of and extrapolation from that theory shows it capable of accounting for our ordinary ascriptions of praise and blame in the supposed cases of moral luck. This paper will develop that argument with respect to Nagel's general case for moral luck, then consider the case of constitutive luck in detail.

¹ Thomas Nagel, "Moral Luck," in *Moral Luck*, ed. Daniel Statman (Albany, NY: SUNY Press, 1993), 59.

² *Ibid.*, 58.

³ *Ibid.*, 59.

Nagel's General Case for Moral Luck

In developing his general case for pervasive moral luck, Nagel does not delve deeply into “the ordinary conditions of moral judgment,” nor examine their Aristotelian origins.⁴ Instead, he quickly sketches the control condition for moral responsibility, presumably expecting his readers to find it familiar. Regarding moral judgments of persons, he writes:

Prior to reflection, it is intuitively plausible that people cannot be morally assessed for what is not their fault, or for what is due to factors outside their control... Without being able to explain exactly why, we feel that the appropriateness of moral assessment is easily undermined by the discovery that the act or attribute, no matter how good or bad, is not under the person's control... So a clear absence of control, produced by involuntary movement, physical force, or ignorance of the circumstances, excuses what is done from moral judgment.⁵

In short, a person must control his actions to be morally responsible for them. Nagel says little else about the conditions of morally responsible action. He never differentiates between various kinds of control, nor identifies those relevant to moral responsibility. Yet his general case for moral luck reveals an implausibly strict interpretation of the control condition.

According to Nagel, the basic paradox of moral luck is that “what we do depends in many more ways than [commonly thought] on what is not under our control,” yet the “external influences in this broader range are not usually thought to excuse what is done from moral judgment, positive or negative.”⁶ So our ordinary moral judgments routinely violate the control condition: people are morally judged for actions not fully under their control. Such cases of moral luck fall into three broad categories: resultant luck, circumstantial luck, and constitutive luck.⁷ In resultant luck, external forces influence moral judgments by shaping the outcomes of action.⁸ So a hit man might be incarcerated for attempted murder rather than executed for murder solely because his gun happened to jam in the course of his crime. In circumstantial luck, external forces influence moral judgments by shaping the circumstances faced by the agent.⁹ So a brilliant army general might languish in obscurity without a war in which to demonstrate his daring and innovative military tactics. And in constitutive luck, external forces influence moral judgments by shaping the dispositions of the agent.¹⁰ So an abusive mother might have been merely strict toward her misbehaving children if her natural temper were slightly cooler. According to Nagel's analysis, some accidental force influences the person's actions—and our moral judgments thereof—in all these cases. We judge unfairly since “what has been done, and what is morally judged, is partly determined by external factors.”¹¹

Nagel properly recognizes that the forces outside the control of the agent said to generate moral luck are major influences on human life. The course of a person's life is substantially shaped by factors wholly or partially outside his control. A person has no choice about the particular family, culture, nation, or era into which he is born. He does not choose his natural temperament, nor consciously direct its development as a child. His actions often have

⁴ Ibid., 58.

⁵ Ibid.

⁶ Ibid.

⁷ I am here ignoring the category of “causal luck,” since it concerns the far broader question of freedom of the will versus determinism.

⁸ Nagel, “Moral Luck,” 60.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid., 58.

unintended and unforeseen consequences, particularly when involving other people. Nagel's contribution to such truisms is that such forces often profoundly influence the very thoughts, values, choices, and actions for which a person is morally judged. As such, he claims, they undermine moral responsibility. In writing that "ultimately, nothing or almost nothing about what a person does seems to be under his control," Nagel clearly understands those causal influences to pose significant and pervasive barriers to a person's moral responsibility for his life.¹²

Nagel's general case for pervasive moral luck sheds light on his understanding of the kind of control required for moral responsibility. By Nagel's standards, a person does not adequately control his actions by choosing amongst the better and worse alternatives available to him, such that he is praised for choosing the better and blamed for choosing the worse. That would not yield the truly level playing field required for fair moral judgments. Instead, Nagel's morally responsible agent would have to be immune from all possible influences on his actions. To avoid moral luck, he would have to directly choose the outcomes of his actions, the circumstances he faces, and his psychological dispositions—and do so from the "view from nowhere" elsewhere advocated Nagel.¹³ To be so detached from the world, a person would have to possess the omnipotence (and perhaps even omniscience) of a god. On that reading of the control condition, it's hardly surprising that humans are rarely if ever responsible for their actions.

Nagel's initial sketch of the standard requirements of moral responsibility does not seem unduly strict, let alone impossible for humans to satisfy. In retrospect, that's because it is vague enough to be compatible with a wide range of readings of "control." Yet as we've just seen, Nagel's general case for pervasive moral luck depends upon an ultra-strict understanding, one that requires the power to determine every aspect of one's moral choices. That strict view of control is not articulated by Nagel nor consistent with his appeals to the standard view of moral responsibility. After all, the problem of moral luck is supposed to arise out of the consistent application of the ordinary conditions of moral responsibility, not any revisions thereto. Nagel writes,

The erosion of moral judgment [in cases of moral luck] emerges not as the absurd consequence of an over-simple theory, but as a natural consequence of the ordinary idea of moral assessment, when it is applied in view of a moral complete and precise account of the facts. It would therefore be a mistake to argue from the unacceptability of the conclusions to the need for a different account of the conditions of moral responsibility.¹⁴ Since his proposed cases of moral luck supposedly persuade us that "the absence of control is relevant" to our moral judgments, Nagel claims that we ought not waste our time searching for "a more refined condition which picked out the *kinds* of lack of control that really undermine certain moral judgments."¹⁵ Yet in fact, Nagel's implicit view of control does substantially deviate from the standard view thereof, so it's plausible that his cases of moral luck depend upon an improper understanding or application of the conditions of moral responsibility. Contra Nagel, that possibility cannot be ruled out without a detailed inquiry into the conditions of moral responsibility and its application to the apparent cases of moral luck.

¹² Ibid., 59.

¹³ Thomas Nagel, *The View from Nowhere* (New York: Oxford University Press, 1986), 61.

¹⁴ Nagel, "Moral Luck," 59.

¹⁵ Ibid.

As we've seen, Nagel only discusses the conditions of moral responsibility in very brief, causal, and vague terms. That enables him to covertly rely upon an understanding of control that most people would reject. He even suggests—with phrases like “prior to reflection” and “without being able to explain exactly why”—that the standard requirements of moral responsibility are philosophically ungrounded and uncritically accepted.¹⁶ If that were true, then he could not say more about them than he does. In fact, the standard view articulated by Nagel clearly traces back to Aristotle's careful and complex discussion of voluntary action in the *Nicomachean Ethics*.¹⁷ Nagel clearly draws upon Aristotle's theory, albeit only in bare, sketchy, and distorted outlines. He thus risks using a philosophically inadequate, oversimplified, and/or inaccurate theory of moral responsibility to generate his problem of moral luck. Our examination of Aristotle's basic theory of moral responsibility will show that to be the case.

Aristotle's General Case for Moral Responsibility

Aristotle opens his discussion of moral responsibility in Book III of the *Nicomachean Ethics* by stating the purpose of his inquiry: he observes that properly bestowing “praise and blame” on “voluntary passions and actions” and “forgiveness and also sometimes pity” on involuntary passions and actions presupposes that we can “distinguish the voluntary and the involuntary.”¹⁸ He identifies the central features distinguishing voluntary and involuntary action through an examination of cases. Obvious examples of involuntary action include a man “carried somewhere by a wind, or by men who had him in their power.”¹⁹ These cases are involuntary because “the moving principle is outside” the agent.²⁰ The agent is being acted upon rather than himself acting.

Less obvious is the status of actions done “from fear of greater evils or for some noble object,” such as when a tyrant orders evil acts upon pain of death of family or when goods are thrown overboard in a storm to save the ship.²¹ At first glance, these actions may seem involuntary: the person might be described as “pressed” or “forced” into some action he'd rather not take by some unpleasant or even dire circumstances. Yet Aristotle rejects that understanding of control. He writes that although “in the abstract no one throws goods away voluntarily,” any “sensible man” will do so “on condition of its securing the safety of himself and his crew.”²² Actions so motivated by external circumstances are “more like voluntary actions” because they are “worthy of choice at the time when they are done” and “the end of an action is relative to the occasion.”²³ Aquinas explains this critical point in his *Commentary* thusly:

...throwing merchandise overboard, or any action of this kind, can be considered in two ways: one, absolutely and in general (involuntary); the other, in the particular circumstances occurring at the time the action is to be done (voluntary). But since actions are concerned with particulars, the nature of the action must be judged rather

¹⁶ Ibid., 58.

¹⁷ Aristotle also discusses these issues of moral responsibility in some depth in the *Eudemian Ethics*. However, since that text has been far less influential, we shall not concern ourselves with it in this paper.

¹⁸ Aristotle, *Nicomachean Ethics*, ed. Johnathan Barnes, trans. W.D. Ross, revised by J.O. Urmson, 2 vols., vol. 2, *The Complete Works of Aristotle* (Princeton, NJ: Princeton University Press), 1109b30-5.

¹⁹ Ibid., 1110a4.

²⁰ Ibid., 1110a1-2.

²¹ Ibid., 1110a4-11.

²² Ibid., 1110a4.

²³ Ibid., 1110a11-13.

according to the considerations of particulars than according to the consideration of what is general.²⁴

In other words, since actions are always performed in thoroughly particular circumstances, we must judge them as voluntary or not within that context, not against the standard of the most desired action in the best of all possible worlds. So we ought to blame the captain who throws goods overboard in calm seas but praise the captain who takes the very same action in the midst of a dangerous storm. The fact that the second captain deeply regrets the loss of his cargo doesn't render his action involuntary: the cargo was deliberately jettisoned based upon an appropriate fear of shipwreck, not washed away in the waves. As a general principle, Aristotle observes, the terms "voluntary" and "involuntary" should be used "with reference to the moment of action."²⁵

Based upon his examination of these cases, Aristotle concludes that voluntary action requires at least that (1) "the principle that moves the instrumental parts of the body in such actions is in [the man]" and (2) "the things of which the moving principle is in a man himself are in his power to do or not to do."²⁶ The first requirement renders actions imposed upon the agent by external forces (such as kidnappers or the wind) involuntary, while the second requirement does so for actions generated by the agent but not under his control (such as hiccups or digestion).²⁷ Conversely, compulsory actions are those in which "the cause is in the external circumstances and the agent contributes nothing."²⁸

In addition to that metaphysical control condition, Aristotle also develops an epistemic condition for morally responsible action: the agent must be aware of "the particular circumstances of the action."²⁹ So if a woman slaps her friend on the back, not realizing that his shirt hides a sensitive sunburn, her action was not voluntary due to her ignorance of that crucial fact. She did not know what she was doing—literally. Aristotle describes such mistaken actions as "involuntary" when contrary to the wishes of the agent, such that he regrets the action.³⁰ In such cases, the person would have done otherwise if he'd known the relevant facts.³¹ However,

²⁴ Thomas Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, trans. C.I. Litzinger (Notre Dame, Ind.: Dumb Ox Books, 1993), #390.

²⁵ Aristotle, *Nicomachean Ethics*, 1110a13-4. Nonetheless, dire circumstances can rightly influence the substance of our moral appraisals of actions and agents. So a man tortured by a tyrant may be praised for "endur[ing] something base of painful in return for great and noble objects gained" or forgiven for doing "what he ought not under pressure which overstrains human nature and which no one could withstand" (Aristotle, *Nicomachean Ethics*, 1110b1-3.).

²⁶ Aristotle, *Nicomachean Ethics*, 1110a15-7.

²⁷ Hughes' analysis of Aristotle on this point falters at key points due to the failure to notice the second part of the control condition. See Gerard Hughes, *Aristotle on Ethics* (New York: Routledge, 2001), 121, 29.

²⁸ Aristotle, *Nicomachean Ethics*, 1110a20-9.

²⁹ *Ibid.*, 1111a24.

³⁰ *Ibid.*, 1110b16-24. In *Ethics with Aristotle*, Sarah Broadie uses the more clear term "countervoluntary." See Sarah Broadie, *Ethics with Aristotle* (New York: Oxford University Press, 1991), 126.

³¹ Bostock argues against the whole category of non-voluntary actions on the grounds that after-the-fact feelings are irrelevant to moral culpability. See David Bostock, *Aristotle's Ethics* (New York: Oxford University Press, 2000), 111-2. He claims that "if the act was due to ignorance, and ignorance which is not itself blamable, then clearly the agent cannot be blamed for it, whether or not he afterward regrets it" (Bostock, *Aristotle's Ethics*, 111.). Yet that would render any action deviating slightly from the agent's plans involuntary and blameless, so long as the deviation was due to some non-culpable ignorance. For example, if a hit man's attempted strangulation of his victim caused a fatal heart attack instead of suffocation due to an undiagnosed heart condition, that would render the hit man blameless for the death of his victim. In contrast and like Urmson, I regard the "vexation" (1110b20) and "regret" (1111a21) felt after involuntary actions not as retroactively changing the nature of the action but rather showing that

often such mistaken actions make no difference to the agent, e.g. when a person who likes frozen corn just as well as frozen peas accidentally buys the former thinking it to be the latter. Or the agent may be pleased by the unexpected outcome of his action, e.g. when a thief “takes silver thinking it was tin.”³² Since the person does not act according to his particular intention (i.e. voluntarily) nor contrary to his general preferences (i.e. involuntarily), Aristotle places such actions in a third category of “non-voluntary” action.³³ Although Aristotle never addresses the question of responsibility for non-voluntary actions, they seem more like voluntary than involuntary actions since the facts about which the person is ignorant or mistaken make little to no difference to him.³⁴ If that’s right, then the epistemic condition for moral responsibility must be understood as rendering some action blameless only when the agent is ignorant of some fact of significance to him, such that he would have acted differently if he had known it.

The epistemic condition of moral responsibility also concerns only the particular circumstances of a person’s actions—such as “who he is, what he is doing, what or whom he is acting on, and sometimes also what (e.g. what instrument) he is doing it with, and to what end (e.g. for safety), and how he is doing it (e.g. whether gently or violently).”³⁵ A moral person may be reasonably mistaken about such particulars—and thereby misled into wrong action. However, Aristotle does not regard all forms of ignorance as exculpatory: when a person voluntarily places himself in a state of ignorance, his actions in that state are also voluntary, even if later regretted.³⁶ So a man who drinks to excess then drives home should be held responsible for rendering himself insensible to pedestrians in the path of his vehicle since “he had the power of not getting drunk and his getting drunk was the cause of his ignorance.”³⁷ The ignorance of a man blinded by his own rage is similarly voluntary, since he had the power to check his anger rather than lose himself in it.³⁸ Sarah Broadie rightly observes that excuses identifying the cause of such ignorance—like “I was quite drunk when I killed those pedestrians” or “I beat my wife because of my jealous rage”—increase rather than diminish blame because they reveal that “the source of the ignorance lies in the agent.”³⁹ Ignorance of basic moral principles is similarly culpable: just as all drivers ought to cultivate the knowledge and skills required for safe driving, so all persons ought to cultivate the virtues required for human life. The amoralist voluntarily fails to do so, even though, Aquinas notes, “everyone is bound to be solicitous about knowing what he is obliged to do and to avoid.”⁴⁰ So for Aristotle, ignorance of moral principles renders men and their actions “unjust and in general bad” rather than involuntary.⁴¹ Finally, ignorance of particulars may be voluntary and culpable in cases of negligence, such as when a man fails to check whether his gun is loaded before cleaning it. Aristotle observes that people “ignorant through carelessness” are morally responsible because “we assume that it is in their power not to be ignorant, since they have the power to take care.”⁴²

the action was directly contrary to (as opposed to merely inconsistent with) the motivating intention. See J. O. Urmson, *Aristotle’s Ethics* (New York: Basil Blackwell, 1988), 46.

³² Aquinas, *Commentary on Aristotle’s Nicomachean Ethics*, #408.

³³ Aristotle, *Nicomachean Ethics*, 1110b16-24.

³⁴ See Urmson, *Aristotle’s Ethics*, 45-6. for a helpful discussion of this question.

³⁵ Aristotle, *Nicomachean Ethics*, 1111a3-5.

³⁶ For a detailed and illuminating discussion of this topic, see Broadie, *Ethics with Aristotle*, 147-8.

³⁷ Aristotle, *Nicomachean Ethics*, 1113b31-3.

³⁸ *Ibid.*, 1110b25-7.

³⁹ Broadie, *Ethics with Aristotle*, 148.

⁴⁰ Aquinas, *Commentary on Aristotle’s Nicomachean Ethics*, #411.

⁴¹ Aristotle, *Nicomachean Ethics*, 1110b29.

⁴² *Ibid.*, 1114a2-3.

As this brief summary indicates, Aristotle's account of the basic conditions of morally responsible action is quite rich, particularly in its nuanced and careful distinctions. Nagel's description of the standard conditions for moral responsibility can only be described as coarse and superficial by comparison. So how does the difference between the two accounts impact Nagel's case for moral luck?

Nagel's brief discussion of the control condition omits the two distinct elements thereof identified by Aristotle (i.e. the source in the agent and the capacity to do otherwise) as well as the relevant context for judgments of control (i.e. the immediate circumstances). Those details are not trivial: they define the very meaning of the control relevant to moral responsibility. For Aristotle, control is not the power of a person to make his actions whatever he pleases. It does not demand mastery over all aspects of life, including over one's temperament, circumstances, and outcomes. Instead, the control relevant to moral responsibility is the capacity of the agent to perform or refrain from some action in the circumstances at hand. Aristotle does not demand more control than possible to humans, as Nagel does.

Nagel also conflates the epistemic condition and the control condition in writing that "a clear absence of control, produced by involuntary movement, physical force, or *ignorance of the circumstances*, excuses what is done from moral judgment."⁴³ He says nothing further about the epistemic condition for morally responsible action, even though all three forms of moral luck raise questions about culpable ignorance. He never differentiates between kinds of ignorance nor discusses any responsibility for them, as does Aristotle. Instead, Nagel seems to treat all ignorance as exculpatory. However, if some ignorance is culpable, then a person may be responsible for the outcomes of his actions, his temperament, and the circumstances he faces, even if he never directly chooses them, so long as they are the to-be-expected products of his voluntary actions. As we shall see in the case of responsibility for moral dispositions, such is Aristotle's view.

Finally, Nagel never considers the other aspects of Aristotle's theory of moral responsibility obviously relevant to particular forms of moral luck, such as responsibility for character traits (relevant to constitutive luck) and responsibility for negligence (relevant to resultant luck). He ignores other elements of Aristotle's ethical theory, such as his views on the cultivation of moral dispositions, even though very relevant to the proposed cases of constitutive and circumstantial luck. Instead, Nagel presents the basics of Aristotle's theory of moral responsibility out of their broader context and as a vague and fuzzy common sense view. That allows him to interpret the conditions of moral responsibility in implausible ways that render judgments of praise and blame senseless.

Nagel's three kinds of moral luck—constitutive luck, circumstantial luck, and resultant luck—provide the general framework from which Nagel considers whether ordinary cases of moral judgment can withstand the fully consistent application of the control condition for morally responsible action. Nagel's basic conclusion in all such cases is that the agent lacks the requisite control for moral responsibility, yet we praise and blame him nonetheless. However, a careful examination of each of these kinds of moral luck in light of their full Aristotelian background reveals Nagel's analyses as inadequate. Here, we shall only consider the case of

⁴³ Nagel, "Moral Luck," 58. Emphasis added.

constitutive moral luck, i.e. the question of whether a person can be held morally responsible for his temperament and dispositions.⁴⁴

Responsibility for Moral Character

Nagel describes constitutive luck as luck in “the kind of person you are, where this is not just a question of what you deliberately do, but of your inclinations, capacities, and temperament.”⁴⁵ Unfortunately, his brief discussion of this form of luck is rather murky, in that the exact source of luck, i.e. the object of moral appraisal not under the control of the agent, is never clearly identified. Although Nagel begins by referencing Kant’s insistence upon “the moral irrelevance of qualities of temperament and personality that are not under the control of the will,” his ultimate worry seems to be the rationality of moral praise and blame for states of character and attendant feelings given that they “influence choice but are certainly not exhausted by dispositions to act deliberately in certain ways.”⁴⁶ More concretely, Nagel writes that “a person may be greedy, envious, cowardly, cold, ungenerous, unkind, vain, or conceited, but *behave* perfectly well by a monumental effort of will.”⁴⁷ Yet “to possess these vices is to be unable to help having certain feelings under certain circumstances, and to have strong spontaneous impulses to act badly.”⁴⁸ As a result, “even if one controls the impulse, one still have the vice.”⁴⁹ So although such feelings may be “may be the product of earlier choices” and at least partially “amenable to change by current actions,” Nagel insists that they are nonetheless “largely a matter of constitutive bad luck” in that “people are morally condemned for such qualities, and esteemed for others equally beyond the will: they are assessed for what they are *like*.”⁵⁰

Significantly, to make this category of constitutive moral luck plausible, Nagel implicitly draws upon Aristotelian intuitions about the importance of proper feelings as motivators of moral action. Aristotle, unlike Kant or Mill, requires the fully virtuous person to feel emotions appropriate to the circumstances at hand.⁵¹ So the worry that a person might be (in some sense) vicious due to persistent wrong feelings, despite outwardly performing the morally correct action, is an Aristotelian concern. The potential intransigence of such wrong moral feelings, whether in the short-term or long-term, then gives rise to the problem of moral luck. Despite these strongly Aristotelian roots, Nagel runs roughshod over the very elements of Aristotle’s moral psychology necessary for understanding a person’s responsibility for his moral dispositions and feelings. Aristotle’s ethics grounds its judgments of praise and blame for moral character on the fact that the cultivation of virtues and vices requires the repeated and deliberate performance of the corresponding action over time. Nagel ignores that necessary foundation, instead grafting the Aristotelian responsibility for cultivated dispositions onto an incompatible psychology of mysterious emotions running amok in a person’s psyche. Let us see how.

⁴⁴ Although resultant luck has received more attention in the literature, that case of moral luck really only concerns a narrow range of cases of responsibility for negligence. In contrast, constitutive and circumstantial luck would undermine most if not all moral judgments.

⁴⁵ Nagel, “Moral Luck,” 60.

⁴⁶ *Ibid.*, 64.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ Aristotle, *Nicomachean Ethics*, 1106b16-24.

Aristotle considers the issue of moral responsibility for states of character toward the end of his discussion of moral responsibility in Book III of the *Nicomachean Ethics* in the course of answering an objection to his view of culpable ignorance. As an application of his general view that punishment of a man for ignorance is justified when “he is thought responsible for the ignorance,” Aristotle approves of punishment of “those who are ignorant of anything in the laws that they ought to know and that is not difficult, and so too in the case of anything else that they are thought to be ignorant of through carelessness.”⁵² For Aristotle, the ignorance of careless people is culpable because it is voluntary: they possess “the power not to be ignorant since they have the power of taking care.”⁵³ Next Aristotle considers a likely objection to his position, namely that a person’s careless character might exempt him from blame for his individual careless acts. In other words, what if a person is by his very nature “the kind of man not to take care”?⁵⁴ Aristotle defends the moral assessment of character in the course of forcefully rejecting that view. He writes:

...[Such careless people] are themselves by their slack lives responsible for becoming men of that kind, and men make themselves responsible for being unjust or self-indulgent, in that they cheat or spend their time in drinking bouts and the like; for it is activities exercised on particular objects that make the corresponding character. This is plain from the case of people training for any contest or action; they practice the activity the whole time. Now not to know that it is from the exercise of activities on particular objects that states of character are produced is the mark of a thoroughly senseless person. Again, it is irrational to suppose that a man who acts unjustly does not wish to be unjust or a man who acts self-indulgently to be self-indulgent. But if without being ignorant a man does the things which will make him unjust, he will be unjust voluntarily.⁵⁵

So the careless man is culpable because his careless disposition was the obvious natural outcome of his long history of voluntary careless actions.

This general claim becomes far more clear—and more plausible—when considered in light of the kinds of individual careless acts required to cultivate and entrench a careless character. For Aristotle, the cultivation of any vice requires glaringly wrong actions, not minor deviations from the proper mean of virtue.⁵⁶ Minor deviations are not even blameworthy: “the man... who deviates little from goodness is not blamed, whether he do so in the direction of the more or the less, but only the man who deviates more widely.”⁵⁷ So a man must routinely perform plainly careless actions to become a careless person. For example, he might assure himself that he’ll somehow remember to change the batteries in the smoke detector to avoid the bother of walking across the room to write himself a note. He might invest in stocks solely based upon snippets of conversation overheard at work, then later blame his co-workers for his devastating losses. He might assemble a new table saw without reading the instructions, then shrug his shoulders at all the leftover parts. He might tell himself that the death of his son was God’s will, even though he ignored the blatant early warning signs of the then-treatable illness. Clearly, the need for care in such cases is not some subtle point available only to those with finely-tuned powers of discernment: the risk to life and limb would be glaringly obvious to any

⁵² Ibid., 1113b29-14a2.

⁵³ Ibid., 1114a3.

⁵⁴ Ibid.

⁵⁵ Ibid., 1114a4-13.

⁵⁶ Ibid., 1104a19-25.

⁵⁷ Ibid., 1109b14-20.

competent adult. Moreover, a person could act carefully in such circumstances without any heroic effort, special skills, or detailed knowledge. He would just need to focus upon the obvious stakes involved (e.g. surviving rather than perishing in a house fire), then choose the obvious action necessary to minimize the risk of disaster (e.g. writing a reminder note). The now-careless person was unwilling to take such simple measures. Instead, he probably focused upon the here-and-now trouble required to take proper care, indulged feelings of resentment towards anyone who asked him to take proper precautions, and falsely reassured himself that all would work out well enough in the end. Even the occasional disasters resulting from his careless actions did not dissuade him from his path: he probably blamed them on bad luck or other people. Such are the kinds of voluntary actions required to become a careless person. As Aristotle observes, if a man prefers to do all that rather than take proper care, then we must regard his resulting careless disposition as voluntary. The disposition is merely the psychological entrenchment of a consistent pattern of voluntary action.

Notably, Aristotle explicitly limits moral responsibility for dispositions and emotions in accordance with his control condition for voluntary action. He differentiates between the aspects of a person's psychology under his control from those not—and insists that only the former are rightly subject to moral praise and blame. This distinction between natural and cultivated qualities is most clearly articulated in a discussion of the virtues and vices associated with the body. Aristotle writes,

But not only are the vices of the soul voluntary, but those of the body also for some men, whom we accordingly blame; while no one blames those who are ugly by nature, we blame those who are so owing to want of exercise and care. So it is, too, with respect to weakness and infirmity; no one would reproach a man blind from birth or by disease or from a blow, but rather pity him, while every one would blame a man who was blind from alcoholism or some other form of self-indulgence. Of vices of the body, then, those in our own power are blamed, those not in our power are not.⁵⁸

Thus Aristotle clearly rejects the notion that a person should be praised or blamed for inborn qualities (e.g. blindness from birth) or inflicted qualities (e.g. blindness from a blow) on the grounds that those qualities were not created by a person's own voluntary actions, as in the case of blindness from alcohol. This general position is consistent with the two aspects of Aristotle's control condition. Although the source of such natural qualities lies in the agent (as required by the first aspect), he lacks power over them (as required by the second aspect). So innate and inflicted qualities are involuntary—and immune from moral appraisal.

So in Aristotle's ethics, a person is morally responsible for his moral dispositions and feelings precisely because they are cultivated by his repeated voluntary action over time. As he writes early in the *Nicomachean Ethics*, “none of the moral excellences arises in us by nature” because “nothing that exists by nature can form a habit contrary to its nature.”⁵⁹ Rather, “we are adapted by nature to receive [the excellences], and are made perfect by habit.”⁶⁰ A person is responsible for who he is because he made himself that way.

So how does Nagel's proposed category of constitutive moral luck fare against Aristotle's complex theory of moral responsibility for cultivated dispositions and feelings? In short, not well. If Nagel could show that certain psychological states presently subject to moral praise and blame actually lie “beyond control of the will,” then Aristotle's theory would simply counsel

⁵⁸ Ibid., 1114a22-9.

⁵⁹ Ibid., 1103a19-21.

⁶⁰ Ibid., 1103a24-5.

ending the unjust practice of morally assessing those states. However, Nagel's proposed candidates for constitutive moral luck—dispositions such as greediness, envy, cowardice, coldness, stinginess, unkindness, vanity, and conceit—are not plausibly regarded as beyond a person's control.⁶¹ As already seen in the case of carelessness, a person develops such qualities of character only by routinely performing the corresponding actions. A person is not suddenly or inexplicably stricken with feelings of envy or coldness, but must cultivate such dispositions by repeated voluntary action. As such, he is justly held responsible for them.

Oddly, Nagel seems to concede that moral feelings and dispositions are within a person's power in writing that they "may be the product of earlier choices" and "to some extent... amenable to change by current actions."⁶² Yet in the very next sentence, he claims that such qualities are "largely a matter of constitutive bad fortune"—without offering any argument for this claim.⁶³ He provides no reason to reject the Aristotelian view that a person is morally responsible for the predictable effects of his choices upon his own psyche. Moreover, Nagel has the burden of producing plausible examples of moral qualities beyond a person's control, for he needs such examples in order to render his case for constitutive moral luck even minimally worthy of consideration. Yet he offers no such examples, merely a list of vices for which many people would prefer to regard themselves as not responsible.⁶⁴ As such, the category of constitutive moral luck seems to be an empty set.

In addition, Nagel's description of the moral judgment in cases of constitutive moral luck is unduly harsh, particularly by Aristotelian standards. Nagel claims that a person can be judged vicious based solely upon his inner thoughts and feelings, whatever his outward actions. So the person who "hates the greater success of others... can be morally condemned as envious even if he congratulates them cordially and does nothing to denigrate or spoil their success."⁶⁵ Undoubtedly, the concern for moral feelings underlying such a judgment is rooted in the Aristotle's distinctive ideal of feeling emotions like anger "at the right times, with reference to the right objects, towards the right people, with the right motive, and in the right way."⁶⁶ Yet Aristotle would never condemn Nagel's envious-feeling person as vicious. Aristotle's moral taxonomy classifies such a person as continent, a state far closer to virtue than vice. The person suffers from wrong moral feelings, but he does not endorse them by choice (as a vicious person does) nor even allow them to overrule his rational judgment (as an incontinent person does).⁶⁷ Such continence might not be as praiseworthy as virtue, but that does not make it blameworthy like incontinence and viciousness.⁶⁸ Thus Nagel's basic example of constitutive moral luck relies a harsh moral judgment that an Aristotelian would consider obviously unjust.

Despite these basic problems with Nagel's case for constitutive moral luck, the defender thereof might attempt to carve out space for constitutive moral luck by challenging certain

⁶¹ Nagel, "Moral Luck," 64-5.

⁶² *Ibid.*, 65.

⁶³ *Ibid.*

⁶⁴ Aristotle comments upon the absurdity of the people's common desire to make themselves responsible for their virtues but not for their vices in NE III:1. Nagel seems to be appealing to such a desire in considering only vices as beyond the control of the agent in his discussion of constitutive moral luck.

⁶⁵ Nagel, "Moral Luck," 64-5.

⁶⁶ Aristotle, *Nicomachean Ethics*, 1106b21-2.

⁶⁷ *Ibid.*, 1151a7. As Aristotle explains in Book 7 of the *Nicomachean Ethics*, the virtuous man acts by good reasoning with proper passions, the continent man overrules his base passions with good reasoning, the incontinent man abandons good reasoning for base passions, and the vicious man endorses his base passions by bad reasoning. See Aristotle, *Nicomachean Ethics*, 1145b7-14.

⁶⁸ Aristotle, *Nicomachean Ethics*, 1148b5.

elements of the Aristotelian account of moral responsibility for character. So let us consider four seemingly plausible objections.

Objection One: “I couldn’t do otherwise”

First, the defender of constitutive moral luck might argue that a person ought not be praised or blamed for actions proceeding from firm and stable dispositions (i.e. moral habits), since the person could not do otherwise. So a misanthrope would not be culpable for loudly berating his waitress for a minor mistake with his meal, and a brave soldier would not be praiseworthy for risking injury to save fallen comrades. Neither could even imagine doing otherwise, thanks to their respective moral characters. On this view, even if person is responsible for his moral habits, he would not be responsible for the actions generated by them. So the moral luck wouldn’t be the result of praise or blame for one’s character per se but rather for the actions proceeding from it.

Most obviously, this argument confuses the idea of “I just couldn’t imagine doing other than X” with “I actually couldn’t do other than X.” The former is a dramatic but literally inaccurate expression meaning only that the moral choice in a given situation is so clear that alternatives need not be seriously considered. The latter, in contrast, denies the person any actual power to do otherwise. Stable moral dispositions offer only the former (i.e. moral clarity) not the latter (i.e. psychological determinism). More fundamentally, the argument seriously misunderstands the psychology of moral habits. It presupposes a mechanistic model of habituation in which the actions proceeding from entrenched moral dispositions are automatic and unthinking responses on par with reflexes. That mechanistic model would be incompatible with moral responsibility—but it’s not the model at work for Aristotle, nor even a plausible common sense view.

For Aristotle, virtuous action requires more than just the right outward act: that act must be generated by certain kinds of inner states, including choice of the act. Aristotle makes this point explicitly in limiting his analogy between the arts (e.g. bricklaying and lyre-playing) and moral action. He observes that “the products of the arts have their goodness in themselves, so that it is enough that they should have a certain character.”⁶⁹ In contrast, “if the acts that are in accordance with the excellences have themselves a certain character it does not follow that they are done justly or temperately.”⁷⁰ The person acting virtuously must be “in a certain condition” when he acts virtuously, namely (1) “he must have knowledge,” (2) “he must choose the acts, and choose them for their own sakes,” and (3) “his action must proceed from a firm and unchangeable character.”⁷¹ These three conditions make clear that Aristotle does not regard well-entrenched moral dispositions as contrary to informed rational choice, as the mechanistic model of habituation would.

Julia Annas explains Aristotle’s view of the relationship between choice, knowledge, and habit in *The Morality of Happiness*, observing that the mechanistic view of moral habits “stems from a failure to recognize the internal complexity of virtue, particularly the way in which moral dispositions are developed and implemented by choice.”⁷² Virtues are developed by “repeated

⁶⁹ Ibid., 1105a26-8.

⁷⁰ Ibid.

⁷¹ Ibid., 1105a30-5b1.

⁷² Julia Annas, *The Morality of Happiness* (New York: Oxford University Press, 1993), 51.

choices” of proper action based upon “deliberation and decision,” not “mindless” techniques like “mere repetition, rote learning, [and] going through the motions.”⁷³ For example:

...if I am thoroughly honest, and decide now not to take something to which I am not entitled, this is itself a choice. My past choices have built up a disposition to be honest, but my present decision is not just a reflex determined by that disposition—it is my endorsement of that disposition. The disposition is not a causal force making me choose; it is the way I have made myself, the way I have chosen to be, and in deciding in accordance with it, I endorse the way I have become.⁷⁴

In general, “the increasing consistency of behavior and response that builds up as [the process of habituation] happens is ... not a non-rational force threatening the agent’s next exercise of rationality.”⁷⁵ Instead, moral dispositions increase the “effectiveness of the agent’s rationality” since they are “the result of her deliberations and decisions.”⁷⁶ So moral dispositions do not eliminate choice: they merely prime a person to act according to his prior knowledge (e.g. that stealing is unjust) and prior commitments (i.e. to treating people justly), often with the help of via moral emotions (e.g. revulsion at the prospect of the deception required for theft). Notably, this choice-based understanding of moral dispositions is consistent with the common sense view, particularly with the idea that a person (including oneself) is always capable of acting “out of character,” even if such is highly unlikely.

So constitutive moral luck cannot be plausibly grounded in a view of moral dispositions as deterministic causes of actions. On the standard (i.e. Aristotelian) view, the person who has cultivated firm moral dispositions—whether virtues or vices—must still choose his individual actions. As such, he is justly held responsible for them.

Objection Two: “I’m too old to change”

Next, the defender of constitutive moral luck might suggest that the moral dispositions voluntarily cultivated by a person might become so entrenched as to be beyond any power to change. For example, by carefully cultivating his anger, resentment, and frustration with other people over the course of decades, a man may become such a deeply committed misanthrope that he could no longer adopt a more benevolent view of his fellow man, even if he tried. He might force himself to act pleasantly toward other people, yet his basic disposition would remain malevolent. He would inwardly stomp and fume at the stupidity of people, even while waiting patiently and smiling blandly. By ordinary standards of moral judgment, such a person would be blamed for his malevolent disposition—and blamed more harshly than someone with a mere tendency to misanthropy. The advocate of moral luck could plausibly claim that such a person fails to satisfy the control condition for moral responsibility since he lacks the power to reform his character for the better. In that case, any person with dispositions so entrenched as to be unchangeable would be victim of constitutive bad luck.

Aristotle explicitly rejects this argument against moral responsibility for entrenched moral character on the grounds that a person’s past voluntary actions are sufficient for present moral responsibility. In speaking of the man who has made himself unjust by voluntary unjust acts, Aristotle writes:

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

...it does not follow that if he wishes he will cease to be unjust and will be just. For neither does the man who is ill become well on those terms—although he may, perhaps, be ill voluntarily, through living incontinently and disobeying his doctors. In that case it was *then* open to him not to be ill, but not now, when he has thrown away his chance, just as when you have let a stone go it is too late to recover it; but yet it was in your power to throw it, since the moving principle was in you. So, too, to the unjust and to the self-indulgent man it was open at the beginning not to become men of this kind, and so they are such voluntarily; but now that they have become so it is not possible for them not to be so.⁷⁷

So for Aristotle, while a vicious man might often be able to reform his character for the better, but such is not a necessary condition for moral responsibility. A person is responsible for the obvious consequences of his voluntary actions—both physical and mental. As Sarah Broadie notes, Aristotle regards moral dispositions as voluntary because “they are the inevitable and foreseeable results of voluntary behavior.”⁷⁸

Once again, Aristotle’s argument clarifies the nature and extent of the control required for moral responsibility.⁷⁹ To be morally responsible for the predictable outcomes of his actions, a person need not possess the power to alter those outcomes at will. So long as he voluntarily chose those outcomes by his past actions, i.e. so long as he wasn’t blamelessly ignorant of them, he is responsible for them. As such, the critical assumption of this argument for constitutive moral luck, namely that a person to be able to reform his moral character anytime he wishes in order to be morally responsible for it, is false.

Consistent with Aristotle, the common sense account of moral responsibility holds people accountable for the readily-known and likely outcomes of their actions. So if I voluntarily cut off one of my fingers, I cannot sensibly protest three days later that I’m not morally responsible for the unbearable pain I feel because I cannot directly will it to stop. Similarly, a thief unable to compensate his victims for their losses is not thereby less culpable for his actions, nor is a murderer exonerated by the fact that he cannot restore his victim to life. The fact that the person acted voluntarily at the time, with adequate knowledge of the likely consequences of that action, is sufficient to render him morally responsible for those consequences. The person could have chosen a different course of action with different consequences, but knowingly opted not to do so. As such, he is rightly regarded as choosing not just his particular bodily action, but also its foreseen (and even reasonably foreseeable) consequences. The fact that a person cannot later magically reverse the known consequences of his actions is irrelevant to moral responsibility for those consequences, particularly since any sane person knows that such magic reversal is impossible. Aquinas emphasizes this point in explaining Aristotle’s view: “If a man wills some cause from which he knows a particular effect results, it follows that he wills that effect. Although perhaps he does not intend that effect in itself, nevertheless he rather wishes that the effect exist than that the cause not exist.”⁸⁰ In such cases, while the effect is “non-voluntary in itself,” it is “voluntary on account of [the cause].”⁸¹

⁷⁷ Aristotle, *Nicomachean Ethics*, 1114a13-22.

⁷⁸ Broadie, *Ethics with Aristotle*, 125.

⁷⁹ This discussion might seem to venture into the realm of resultant moral luck since it concerns the consequences of action. However, it doesn’t pertain to resultant moral luck directly, since it doesn’t pertain to responsibility for outcomes under conditions of uncertainty and negligence. Nonetheless, it is relevant background for understanding resultant luck.

⁸⁰ Aquinas, *Commentary on Aristotle’s Nicomachean Ethics*, #512.

⁸¹ *Ibid.*

Notably, to reject the view that people are responsible for at least the known likely outcomes of their actions would require ignoring the obvious fact that human action is purposeful.⁸² The alternative, in which a person chooses only his directly willed and controlled bodily movements, would render most human action completely senseless: no action would ever have a purpose beyond itself. A woman brushing her teeth would only be moving her toothbrush in her mouth in a certain pattern, not promoting dental health and minty breath. A person's work for a given company would be wholly unrelated to the money paid to him every two weeks. In fact, most human action aims at distant purposes via intermediate effects: a man sleeps tonight to be refreshed for work tomorrow, a couple has sex now to have a baby in nine months, a young worker saves now to be able to retire comfortably in old age, and so on. The fact that most human action is so goal-directed means that it cannot be understood except upon the general view that a person chooses not just his immediate actions, but also the known and desired outcomes which motivate them. In addition, a person accepts the foreseen consequences of his voluntary actions even if not intended because by choosing a particular course of action a person indicates that the merely foreseen consequences are acceptable to him.⁸³ Some merely foreseen consequences may be welcome side benefits, as in the pleasure of sex for a couple primarily intending to conceive; others may be unwelcome, such as the morning sickness and weight gain of pregnancy. Yet the fact that the person still chooses that course of action means that those merely foreseen consequences are regarded as a price worth paying to achieve the intended consequences. Ultimately, the fact that a person has adequate knowledge of the likely outcome of his action generates moral responsibility for its intended and foreseen consequences. The causal history of an action is the basic source of moral responsibility; whether or not a person can later alter the intended and foreseen effects of his actions at will is often not relevant.⁸⁴

The view that moral responsibility for an action and its outcome is established by a certain sort of causal history, namely a person's voluntary choice in adequate knowledge, is common to both the common sense view and the Aristotelian view. When applied to the issue of responsibility for the effects of voluntary action upon a person's psyche, it undermines the modified argument for constitutive moral luck according to which a person is not responsible for his moral dispositions if they are so entrenched as to be beyond his power to change. After all, an irredeemably vicious character is merely the easily predictable result of repeated vicious action over time. However, it's not clear that we ought to accept the basic premise that a person's character might be so degraded as to be beyond his capacity to repair, as Aristotle seems to do. The fact that people with entrenched vices are *unlikely* to exert the years of painful effort required for moral reform does not prove such change to be *impossible*. Indeed, even habitual criminals are capable of moral reform if sufficiently motivated to end the misery of their current existence by destroying their disposition to exploit and manipulate other people.⁸⁵ If that's right, i.e. if even well-entrenched dispositions can be changed, then the attempt to find

⁸² That fact is the starting point of Aristotle's ethics. See NE I:1.

⁸³ The fact that a person is morally responsible for both the intended and the foreseen consequences of his actions does not imply that they are morally equivalent. It seems reasonable that an action or person may be justly regarded as morally worse or better based upon which consequences of his actions were intended and which were merely foreseen. Nor does this view imply that a person ought not then take action to eliminate or mitigate undesired foreseen consequences, as undergraduate opponents of abortion often presume.

⁸⁴ If a person could change course yet refuses to do so, that implies that he continues to endorse his current course, i.e. that he does not even regret his past choices. That augments his existing culpability.

⁸⁵ Stanton Samenow, *Inside the Criminal Mind* (New York: Random House, 1984), 211-43.

constitutive moral luck in cases of entrenched dispositions beyond a person's power to change is completely hopeless.

Objection Three: "But I didn't know!"

At this point, the defender of constitutive moral luck might raise the epistemic question of whether people know (or ought to know) that moral character is produced by corresponding action, i.e. that a virtuous or vicious character is the natural outcome of consistently virtuous or vicious action. Aristotle clearly regards such knowledge as elementary for any competent adult. As quoted earlier, he claims that only "a thoroughly senseless person" would not understand that "it is from the exercise of activities on particular objects that states of character are produced."⁸⁶ Yet the defender of moral luck could plausibly argue that such knowledge, even if common in Aristotle's day, is no longer widely known today. After all, it seems that many people do not grasp the virtuous or vicious cycle (so to speak) involved in the relationship between actions and dispositions. Many seem to understand that a moral character of a certain type produces the corresponding actions but not also that actions of a certain type produce the corresponding moral character. That view of moral character is not widely taught today, nor obvious from everyday experience. So we cannot reasonably expect people to know it. On this view, when people gradually form their characters by repeated action, they literally do not know what they are doing. Since their ignorance of it is not itself blameworthy, people cannot be held responsible for their moral characters.

In response to this objection, Aristotle claims that cases of repeated action altering a person's capacities and dispositions are so common in life that any reasonable person ought to know general principle. The fact that "it is activities exercised on particular objects that make the corresponding character... is plain from the case of people training for any contest or action; they practice the activity the whole time."⁸⁷ Aquinas elaborates upon this point in his *Commentary* as follows:

We see that things done in individual actions make men of that particular stamp, i.e. disposed to do similar things. This is clearly manifest in the case of those who are diligent in and take pains with exercise (like soldiering and wrestling) or any activity whatsoever. Everyone, from the fact that he does the action many times, becomes so adept that he can do similar things perfectly. Since then we see this happen in all cases, it seems that only a man lacking understanding would be ignorant that habits are produced by operations.⁸⁸

Indeed, such knowledge is still quite commonplace today: people understand that prior practice is required to perform a complex action well. They know that a child must practice the piano regularly to play well in a recital, that a professional athlete's game suffers if he misses practices due to injury, and that a student must do his calculus homework in order to learn the subject and excel on tests. By similarly ordinary reasoning, people know that a child who lies and manipulates others to get his way is in grave danger of becoming a chronic liar and manipulator, that a person living a life of theft, drugs, and prison will not cultivate or sustain the work ethic required to hold down a respectable job, and that a woman is draining the self-respect necessary to flee from her abusive husband every time she submits to his arbitrary demands. Of course, most people may only have a rudimentary understanding of the workings of mental and physical

⁸⁶ Aristotle, *Nicomachean Ethics*, 1114a9-10.

⁸⁷ *Ibid.*, 1114a6-8.

⁸⁸ Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, #511.

habits, including moral habits. They may not appreciate the full range of skills required to live an truly moral life. They are likely to think that indulgence in occasional immoralities will not affect their commitment to virtue. Despite such confusions, ordinary people do seem to understand that a person cultivates a character of a certain kind through repeated actions of that kind.

However, and far more importantly, any moderately self-aware person can readily observe and manage the development of his own dispositions in myriad areas of life. For example, a person might observe his own commitment to and techniques for punctuality—in contrast to the more or less lackadaisical approaches of others. A father would notice his children losing confidence in his promises as he breaks them with increasing frequency—and so resolve to think before promising, so as not to promise too much. A new skier would notice that his diligent practice on the slopes diminishes his fears of an accident, augments his confidence and ease, and makes the activity more enjoyable. A wife might see that her husband’s now-innocent flirting with a co-worker will eventually lead to infidelity if not ended now. By such everyday examples, a person can understand the basic workings of dispositions, including that they are developed by practice of the activity, that they require the cultivation of certain knowledge and skills, that they make the activity more natural and pleasant, that they can be helpful or harmful, and so on. Although a careless or insensitive person might not notice such facts, they are accessible to any reasonably alert person. Consequently, a person can be held responsible for a basic understanding of the fact that repeated action creates corresponding dispositions. So contrary to this third objection, a person cannot plausibly protest that he did not know that his years of unjust or intemperate actions would actually render him unjust or intemperate.

Objection Four: “I’m at a moral disadvantage!”

Finally, the defender of constitutive moral luck might argue that a person’s moral character is shaped by more than just voluntary actions: inborn personality traits and/or early childhood experiences also influence character for better or worse. So a man might be blamed for his unwillingness to express his feelings in his relationships, although his repressive dispositions were his only means of coping with his abusive mother and neglectful father as a young child. Or a woman suffering from clinical depression due to imbalance in her brain chemistry might struggle to meet her basic obligations at work and home, only to be blamed for her failures by those free of any such burdens. In such cases, the basic worry is that some people labor under involuntary psychological burdens that impair their capacity to act morally, yet others expect them to live up to the same moral standards as everyone else. Conversely, the naturally good temperament of other people may give them a moral advantage. So a soldier’s insensitivity to pain might enable him to act more bravely than others in battle, and a naturally cheerful person will find kindness an easier virtue to practice than will her gloomy counterpart. To answer this objection more clearly, let us first examine the case of inborn personality then turn to dispositions shaped in childhood.

Consistent with his general views, Aristotle explicitly denies that inborn temperament should be subject to moral judgment in a discussion of the distinction between “natural excellence” versus “excellence in the strict sense.”⁸⁹ Aristotle’s particular concern in this passage lies with the erroneous but common view that “each type of character belongs to its possessors in some sense by nature” such that “from the very moment of birth we are just or

⁸⁹ Aristotle, *Nicomachean Ethics*, 1144b2-3.

fitted for self-control or brave or have the other moral qualities.”⁹⁰ Such innate qualities of character, Aristotle argues, cannot be genuine virtues since “both children and brutes have the natural dispositions to these qualities, but without thought these are evidently hurtful.”⁹¹ A person “may be led astray by them, as a strong body which moves without sight may stumble badly because of its lack of sight.”⁹² For example, a person armed only with a natural impulse to kindness may do others harm by indulging desires rather than promoting well-being, such as by baking a rich cake for a dieting friend, offering a cigarette to a pregnant co-worker, or deceiving his wife for fear of hurting her feelings. Similarly, while people may have natural tendencies to emotions like fear or anger, virtue requires reason to shape those emotions through habituation, so that they might be felt “at the right times, with reference to the right objects, towards the right people, with the right motive, and in the right way.”⁹³ Such natural impulses must be guided by practical reason in order to be morally praiseworthy; practical reason is required for the underlying “natural virtue” to become “virtue in the strict sense.”⁹⁴

So according to Aristotle, while natural temperament might be the foundation upon which cultivated virtues are often built, moral praise and blame should only be bestowed upon the latter. The basic reason is that identified by Annas: “virtue must involve not just our feelings but the way we handle them and choose to deal with them.”⁹⁵ Consequently, “I may be naturally endowed with a sunny or a surly disposition, a fact that I cannot change. But it is up to me what I do with this temperament, whether I just allow it to flourish or take responsibility for having such a temperament and try to develop it in one way or another.”⁹⁶

Of course, a person could always be subject to unfair praise or blame for some innate quality due to a false assumption of voluntary cultivation. A father might think his teenage son intemperate for his excessive eating and sleeping, even though he’s actually suffering from Kleine Levin Syndrome.⁹⁷ Similarly, a depressed man might be unjustly branded as lazy by his wife. Even when the mental disorder is known, the extent of moral responsibility for actions is often unclear. To what extent, for example, is a clinically depressed person responsible for his daily actions—or lack thereof? (For example, is he responsible for seeking treatment?) Knowledge of the facts required to properly assess moral responsibility may not be accessible to other people, nor even to the depressed person himself. Notably, while such errors and uncertainties are regrettable, they are not instances of moral luck. Moral luck requires holding a person responsible for facts outside his control, whereas these cases involve a perfectly ordinary inability to determine moral responsibility due to ignorance of critical information.

The question of moral responsibility for dispositions developed in childhood is rather more complicated. Once again, the defender of constitutive moral luck can easily construct a plausible dilemma for the defender of moral responsibility. Obviously, many if not most of a person’s adult moral dispositions are rooted in his childhood experiences and instruction. So if a person can be morally judged for those childhood dispositions despite his lack of control over them, then he would be subject to the injustice of moral luck. Yet if a person cannot be morally

⁹⁰ Ibid., 1144b4.

⁹¹ Ibid., 1144b7-10.

⁹² Ibid., 1144b10-2.

⁹³ Ibid., 1106b21-2.

⁹⁴ Ibid., 1144b13-4.

⁹⁵ Annas, *The Morality of Happiness*, 49.

⁹⁶ Ibid.

⁹⁷ See <http://www.webmd.com/hw/mental_health/nord1068.asp>.

judged for those childhood dispositions due to his lack of control over them, then that would preclude almost all moral judgments of character.

Happily, Aristotle avoids both horns of this nasty dilemma by his understanding of moral responsibility for dispositions as rooted in the facts that (1) the person knowingly created them by chosen actions and (2) the person endorses them every time he chooses to act on them. The first condition precludes holding children responsible for their moral dispositions. According to Aristotle, children live “at the beck and call of appetite” for “in them... the desire for what is pleasant is strongest.”⁹⁸ While they act voluntarily in so doing, they do not act by choice, i.e. on the basis of desire formed by rational deliberation.⁹⁹ So children are limited to actions like those “on the spur of the moment.”¹⁰⁰ If old enough, they are capable of acting morally or immorally (i.e. of acting “with knowledge but not after deliberation”) but not of being moral or immoral (i.e. by acting “from choice”).¹⁰¹ Moreover, children cannot be responsible for their dispositions due to ignorance of the universals relevant to the formation of character. Very young children are utterly ignorant of even basic moral concepts like “fairness” and “temperance,” while older children might not yet grasp the means by which a person cultivates dispositions. So Aristotle rejects the first horn of the dilemma: a person cannot be held responsible for his childhood dispositions since he did not voluntarily cultivate them as a child. However, that position does not imply that adults can never assume responsibility for their childhood dispositions, as the dilemma implies. People do assume responsibility for their childhood dispositions by choosing to act in accordance with them as adults. By acting on a disposition, a person endorses it. Except in cases of barbarically abusive upbringing, a young adult is not bound to his childhood: he has ample time, opportunity, and capacity to reflect upon and change his dispositions.¹⁰² As such, a person assumes responsibility for his childhood dispositions as he matures. Undoubtedly, the person raised badly must struggle more than the person raised well to cultivate a good moral character. Yet that does not subject him to moral luck—not if the morally disadvantaged person is praised not only for his good character but also for the additional struggle required to achieve it. Such praise is consistent with Aristotle’s approach to moral judgment, as well as the common sense view.

However, Aristotle’s emphasis on the requirement of good upbringing for the study of ethics does seem to cast doubt on the possibility of moral reform for those raised poorly. Early in the *Nicomachean Ethics*, Aristotle writes that “anyone who is to listen intelligently to lectures about what is noble and just... must have been brought up in good habits.”¹⁰³ Yet Aristotle’s point is not that everyone else is locked into a life of wickedness. Rather, it is that the study of ethics requires us to “begin with things familiar to us”—and only those with reasonably good habits already possess the knowledge required grasp the proper moral principles.¹⁰⁴ To philosophize rightly about courage and cowardice, for example, a person must understand the meaning and implications of those moral categories, such as the basic common features of all courageous and cowardly acts and the ordinary effects of courage and cowardice in a man’s

⁹⁸ Aristotle, *Nicomachean Ethics*, 1119b6-7.

⁹⁹ *Ibid.*, 1111b7-10, 13a10-12.

¹⁰⁰ *Ibid.*, 1111b9.

¹⁰¹ *Ibid.*, 1135b19-25.

¹⁰² Aristotle has some interesting comments on severely pathological or “brutish” natures arising from disease, madness, or custom in NE VII:5. See also Broadie, *Ethics with Aristotle*, 173-4.

¹⁰³ Aristotle, *Nicomachean Ethics*, 1095b4-6.

¹⁰⁴ *Ibid.*, 1095b1-2.

life.¹⁰⁵ Aquinas explains the point succinctly: “a man who wishes to be a competent student of moral science must be well-informed and experienced in the ways of human living.”¹⁰⁶ Through a quote from Hesiod, Aristotle allows that a person lacking a good upbringing might gain the equivalent by “hearken[ing] when men counsel right.”¹⁰⁷ The basic facts of morality are still accessible to the person raised poorly; Aristotle’s point is merely that a person must be acquainted with those basic facts before any systematic study of ethics.

Thus these four attempts to resurrect Nagel’s concept of constitutive moral luck fail. Ultimately, given Aristotle’s account of the cultivation of moral dispositions, Nagel’s view that they are “beyond the will” or “largely a matter of constitutive bad luck” is simply not plausible.¹⁰⁸ Nagel offers us no good reason to reject the that a person is responsible for his moral character, not if understood in its proper Aristotelian context.

Concluding Thoughts

Although this paper has focused solely upon Nagel’s claim of constitutive moral luck, Nagel’s categories of circumstantial and resultant luck seem to follow the same basic pattern. In those cases, the common sense moral theory said to give rise to the paradox of moral luck is, yet again, just a superficial and misleading version of Aristotle’s ethics. So when the claimed examples of moral luck are thoroughly examined in the light of Aristotle’s actual theory, the claim that people are morally judged for factors beyond their control loses its appeal. Such an examination, however, will have to be the subject of another paper.

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¹⁰⁵ Hughes, *Aristotle on Ethics*, 74-5.

¹⁰⁶ Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, #53.

¹⁰⁷ Aristotle, *Nicomachean Ethics*, 1095b10.

¹⁰⁸ Nagel, “Moral Luck,” 64.