

Better Morally Good Than Morally Lucky

The Illusion of Constitutive Moral Luck

Diana Mertz Hsieh (diana@dianahsieh.com)

Topics in Values (Phil 5290, Boonin)

4 May 2005 (Spring 2004)

On the standard view of moral responsibility accepted today, a person must exert control over his actions to be justly praised or blamed for them. So if a man kicks his doctor because she stimulated his patellar reflex, leaves the scene of an accident because kidnappers spirited him away, or breaks a vase because a strong and sudden wind knocked him over, his lack of control over his bodily movements absolves him of any moral blame. In such cases, the man is not the source of his actions; he neither generates nor controls them. Instead, his actions are substantially determined by some outside force. Consequently, he is not morally responsible for them—meaning that praising or blaming would be inappropriate, if not unjust.

In recent decades, this common sense view of moral responsibility has been challenged by the idea of “moral luck.” As first introduced by Bernard Williams and then further developed by Thomas Nagel, the proposed category of “moral luck” seeks 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” (Nagel 59). For example, whether a man is guilty of murder or the lesser charge of attempted murder might depend upon whether his gun happened to jam or not. Similarly, an army general might be hailed for his daring military tactics, but only if politicians on both sides acted so as to make war possible. Likewise, the man who pounds the kitchen table during a heated argument might have pounded his wife were his natural temper just slightly hotter. In all of these cases, some force outside the control of the person seems to substantially determine his actions, yet we regard him as morally responsible for them. In so doing, we seem to violate the common sense conditions of moral responsibility. Given that such outside forces intrude upon almost every human action, Nagel claims that the consistent application of the common sense conditions of moral responsibility “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” (Nagel 59). The very concept of moral luck thus presents us with a serious philosophic puzzle.

In my view, the problem of moral luck—compelling though it may seem at first—is not a genuine problem. It is a philosophic illusion generated by Nagel’s coarse and superficial characterization of the common sense understanding of moral responsibility. Careful examination of and extrapolation from the implicit philosophic source of those views, namely Aristotle’s *Nicomachean Ethics*, reveals a theory of moral responsibility fully capable of accounting for our ordinary ascriptions of praise and blame in the supposed cases of moral luck. This paper will develop this argument with respect to just one form of moral luck, namely constitutive moral luck.

Notably, Nagel motivates the problem of moral luck by scrutinizing a range of ordinary cases of moral judgment against the standards set by our common sense views of moral responsibility. As such, his general argument for moral luck depends upon both a plausible reconstruction of the common sense conditions of moral responsibility and a compelling analysis

of the agent's lack of control in the considered cases. As we shall see, both of these aspects of Nagel's argument for moral luck are subject to strong objections on Aristotelian grounds.

The Conditions of Moral Responsibility

In his essay on moral luck, Nagel does not delve deeply into the common sense conditions of moral responsibility. They simply serve as the background against which he generates the problem of moral luck. In the context of judging persons (rather than states of affairs) as good or bad, 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 (Nagel 58).

So to be morally responsible for his actions, an agent must exert the necessary control over them. Such is basically all that Nagel says about the standard conditions for morally responsible action, at least directly.

Nagel's particular understanding of the control relevant to moral responsibility becomes more clear as he develops the problem of moral luck. Fundamentally, the problem 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" (Nagel 58). However, an examination of cases reveals that such outside forces do substantially influence our moral judgments of a person and/or his actions, in that "what has been done, and what is morally judged, is partly determined by external factors" (Nagel 58). To use Nagel's own example, the "morally significant difference between reckless driving and manslaughter" may well depend upon "the presence of the pedestrian [or not] at the point where [the driver] recklessly passes a red light" (Nagel 58). Such external factors influence moral judgments by shaping the outcomes of action (in resultant luck), the circumstances faced by the agent (in circumstantial luck), the dispositions of the agent (in constitutive luck), and the antecedent conditions of action (in causal luck). In general, a person would be morally lucky when factors beyond his control render him more praiseworthy (or less blameworthy) and morally unlucky when factors beyond his control render him more blameworthy (or less praiseworthy). Significantly, the external factors said to generate moral luck are pervasive in life; they affect not only a person's outward actions, but also his private thoughts, values, deliberations, and choices. By so strictly applying the control condition, Nagel shrinks the sphere of morally responsible action to practically nothing, such that perhaps only a creature with absolute power over or total isolation from external influences, i.e. with absolute power over or total isolation reality itself, could be a morally responsible agent. If that is what the control condition truly requires, then morally responsible action would certainly be beyond our human grasp—and perhaps even (physically) impossible altogether.

Although Nagel's conclusions are jarring to our moral sensibilities, his basic description of the common sense conditions of moral responsibility seems plausible at first glance. Yet some caution is warranted given his very brief and casual treatment of it. In sketching the standard view, Nagel implies that it is both philosophically ungrounded and uncritically accepted via phrases like "prior to reflection" and "without being able to explain exactly why" (Nagel 58).

Such casual dismissal would not be particularly noteworthy, except that the common sense theory of moral responsibility still widely accepted today clearly traces back to Aristotle's careful discussion of voluntary action in Book III of the *Nicomachean Ethics*. Nagel's account clearly draws upon Aristotle's theory, but only in bare and sketchy outlines. By leaving the Aristotelian foundations implicit, Nagel risks using a philosophically inadequate, oversimplified, and/or inaccurate theory of moral responsibility to generate his problem of moral luck. So we should ask: How does Aristotle's basic theory of moral responsibility compare to the common sense view described by Nagel?

Aristotle opens his discussion in Book III, Chapter 1 of the *Nicomachean Ethics* by motivating inquiry into the topic: he observes that properly bestowing "praise and blame" on "voluntary passions and actions" and "pardon [and] pity" on involuntary passions and actions presupposes that we can "distinguish the voluntary and the involuntary" (NE III:1). 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" (NE III:1). These cases are involuntary because "the moving principle is outside" the agent (NE III:1). 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 (NE III:1). At first glance, these actions may seem involuntary because the motive for action lies in circumstances external to the agent, perhaps even in circumstances thrust upon him involuntarily and/or unexpectedly. Yet Aristotle rejects this strict 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" (NE III:1). Externally-motivated actions are thus "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" (NE III:1). Aquinas explains the 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 according to the considerations of particulars than according to the consideration of what is general (Aquinas #390).

So because actions are always performed in some thoroughly particular context, 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.

Based upon his analysis of these two kinds of cases, Aristotle proposes a two-part control condition necessary for morally responsible action by an agent. First, "the principle that moves the instrumental parts of the body in such actions is in him (NE III:1). Second, "the things of which the moving principle is in a man himself are in his power to do or not to do" (NE III:1). The first requirement excludes actions imposed upon the agent by external forces (such as kidnappers or the wind) from the realm of the voluntary, while the second requirement does so with respect to actions generated by the agent but not under his control (such as hiccups or digestion).

Aristotle also develops an epistemic condition for morally responsible action, in that the agent must be aware of "the particular circumstances of the action" (NE III:1). Notably, only some forms of ignorance exonerate an agent. If a man acts "in ignorance" but not "by reason of

ignorance,” he is still responsible for his actions (NE III:1). For example, “the man who is drunk or in a rage” is thereby ignorant, but only incidentally so, meaning that he would spill beer on his friend or beat his wife due to his voluntary drunkenness or rage, not due to his ignorance (NE III:1). Similarly, the actions of a person ignorant of the proper universal principles of action are voluntary (NE III:1). If a man doesn’t know that lying to his friends, stealing from his neighbor, or torturing puppies is wrong, he is nonetheless culpable for such acts because, as Aquinas explains, “everyone is bound to be solicitous about knowing what he is obliged to do and to avoid” (Aquinas #411). Since a mentally competent adult can know and ought to know the proper universal principles of human action, any substantial ignorance of those principles renders actions “unjust and in general bad,” not involuntary (NE III:1). In contrast to such cases of incidental and culpable ignorance, the man who lacks knowledge of particulars relevant to his action, i.e. “of the circumstances of the action and the objects with which it is concerned,” does not act voluntarily, for he knows not what he does. For example, a woman might slap her good friend on the back, not realizing that his shirt hides a sensitive sunburn—and her ignorance of that particular fact renders her painful act involuntary. More generally, a person may be unaware of “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. he may think his act will conduce to some one’s safety), and how he is doing it (e.g. whether gently or violently)” (NE III:1). Notably, Aristotle claims that an action which is genuinely involuntary due to ignorance of particulars must “must be painful and involve repentance” on the part of the agent (NE III:1). A similar action which the agent does not regret is neither voluntary nor involuntary, but rather non-voluntary (NE III:1). So if a man buys frozen peas rather than frozen corn at the grocery store because he grabbed the wrong bag, he did not voluntarily buy the corn, since he intended to buy peas. Yet if buying corn was pretty much just as good as buying peas, then he cannot be aptly described as acting involuntarily either. Involuntary action, in other words, must make a difference to the agent, in that he clearly would have acted otherwise if he had known otherwise. Involuntary and non-voluntary action are, as Aristotle observes, different enough to warrant their own separate categories (NE III:1).

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 common sense conditions of moral responsibility can only be described as coarse and superficial in comparison. In particular, Nagel claims that control is required for moral responsibility, yet indicates nothing about the nature of that required control. His description of the control condition does not even hint at the two distinct aspects identified by Aristotle, namely that the source of the action must be the agent and that the agent must have the power to perform the action or not. Nagel also collapses the epistemic condition into 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” (Nagel 58, emphasis added). He never elaborates upon the meaning of “ignorance of the circumstances,” considers Aristotle’s distinctions between types of ignorance, or otherwise discusses the epistemic condition—even though uncertainty about the outcome of an action is one source of resultant moral luck. Nagel ignores other aspects of Aristotle’s theory 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). Nagel’s transformation (via oversimplification) of Aristotle’s theory of moral responsibility into a vague

and fuzzy common sense view allows him to interpret the control condition however he wishes, including in implausible ways that ultimately render ascriptions of moral responsibility senseless.

This general worry about oversimplification is amplified by Nagel's steadfast resistance to any suggestion that the problem of moral luck can be solved by modifying the theory of moral responsibility upon which it is built. He writes:

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

In retrospect, the confidence Nagel here expresses in the persuasive power of his analyses of cases is surely inflated, as his essay has spawned a substantial literature objecting to his conclusion of pervasive moral luck. The source of that overconfidence is instructive. It stems from the presumption that the proposed cases of moral luck clearly and necessarily undermine our standard attributions of praise and blame. For Nagel, no justification for this interpretation of cases is necessary: it is intuitively obvious. More particularly, because the control condition still "seems correct" in these cases, we are "actually being persuaded that... the absence of control is relevant" (Nagel 59). Given this uncontested starting point, any reconsideration of the conditions of moral responsibility at work seems pointless. Of course, anyone unwilling to accept Nagel's intuitive interpretation of these cases has good reason to pursue the alternative so quickly dismissed by him, namely that the problem of moral luck is "the absurd consequence of an over-simple theory" (Nagel 59). Moreover, since the simple conditions of moral responsibility used by Nagel do trace back to Aristotle's complex theory of moral responsibility, directly scrutinizing Nagel's proposed categories of moral luck against their implicitly Aristotelian source promises to yield philosophical fruit.

As already indicated, Nagel distinguishes between four kinds of moral luck: constitutive luck, circumstantial luck, resultant luck, and causal luck. These categories provide the general framework within 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 four 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 constitutive moral luck.

The Paradox of Constitutive Moral Luck

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" (Nagel 60). 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” (Nagel 64). 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” (Nagel 64). 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” (Nagel 64). As a result, “even if one controls the impulse, one still have the vice” (Nagel 64). 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*” (Nagel 64).

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. The worry that an agent might still be (in some sense) vicious due to persistent wrong feelings, despite outwardly performing the morally correct action, is a broadly Aristotelian concern. (More precisely, it is a general concern of ancient ethics not shared by Kantian ethics or utilitarianism.) The seeming intransigence of such moral feelings, whether in the short-term or long-term, then gives rise to the problem of moral luck. Despite these Aristotelian roots, Nagel runs roughshod over the very elements of Aristotle’s moral psychology necessary for understanding an agent’s moral 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 formation of virtues and vices (including their associated feelings) requires the repeated and deliberate performance of the corresponding action over time. Nagel overlooks that entirely and instead seems to graft the Aristotelian moral concern for cultivated emotions and character onto a wholly incompatible semi-Freudian psychology in which emotions run amok in a person’s psyche. So let us consider the way in which a fully Aristotelian account justifies praise and blame for a person’s moral character and attendant emotions.

Aristotle on Responsibility for Moral Character

Toward the end of his discussion of moral responsibility in Book III of the *Nicomachean Ethics*, Aristotle considers the question of responsibility for states of character. In the course of defending his view that some forms of ignorance (such as drunkenness) are blameworthy because they are voluntary, Aristotle first notes that “we punish 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” (NE III:5). Punishment of the culpably ignorant is just on the grounds that “it is in their power not to be ignorant, since they have the power of taking care” (NE III:5). Aristotle then considers the objection that the dispositions of such people exonerate them, in the sense that the man ignorant through his own carelessness is not culpable for that ignorance because, by his very nature, he is “the kind of man not to take care” (NE III:5). Aristotle offers his justification for 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 the one case by cheating and in the other by spending 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 (NE III:5).

In other words, the careless man is responsible for his vicious disposition because he cultivated it by repeatedly and deliberately performing careless actions. Every time he dismisses the “check engine” light in his car, shoots his pistol into the air, drives through a stop sign, leans over a wobbly balcony railing, or stands under a tree during a thunderstorm, he reinforces that disposition to carelessness, weaving it deeper into the fabric of his person. He could choose to take care, yet he is unwilling to forgo some pleasure or exert the necessary effort. Each individual careless action is voluntary, even if not self-consciously chosen after explicit deliberation. Moreover, since the fact that careless actions cultivate a careless disposition is obvious, the resulting disposition is also voluntary.

More generally, Aristotle regards people as responsible for their moral feelings and dispositions because those inner states are the predictable result of the deliberate actions repeatedly taken by a person. People are not suddenly or inexplicably stricken with feelings like envy or dispositions such as cowardice; rather, those inner states must be gradually cultivated by a person over time. Although Aristotle does not offer a detailed description of that process of moral habituation, it is mostly plausibly understood as the automatization of attention to certain facts, beliefs, values, and feelings in certain kinds of situations. So the vain man becomes so by routinely prioritizing his appearance over other concerns like safety and comfort, until such becomes “second nature.” Similarly, the careless man trains himself to focus upon the great effort required to take care (perhaps by inventing burdens), while the careful man trains himself to attend to the real dangers of ignoring risks. The cowardly man would nurture his own feelings of fear in the face of danger until routinely and easily overwhelmed by them, whereas the brave man would keep his natural fear of danger in check by focusing on the action necessary to overcome the danger. In essence then, moral dispositions (and their corresponding feelings) are not imposed upon a person, but rather cultivated by his own voluntary actions. Because he had the power to cultivate contrary dispositions, he may be justly held responsible for those he did actually cultivate.

In addition to developing this positive case for moral responsibility for cultivated dispositions and emotions, Aristotle also explicitly limits such responsibility in accordance with his control condition for voluntary action. He carefully differentiates the aspects of a person which are within his control from those outside it—and insists that only the former are rightly subject to moral praise and blame. This distinction between natural and cultivated qualities is particularly clear in the case of the virtues and vices associated with the body. About those, 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 drunkenness 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 (NE III:5). Aristotle thus clearly rejects the notion that a person can be legitimately praised or blamed for his inborn qualities, precisely because those qualities are beyond the scope of his control. This general position is thoroughly 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 lack power over them (as required by the second aspect). As such, they are involuntary—and immune from moral appraisal.

Aristotle underscores and elaborates upon this basic distinction between voluntary and involuntary qualities in a discussion of practical wisdom in Book 6 in which he distinguishes between “natural virtue” and “virtue in the strict sense” (NE VI:13).¹ Aristotle's particular concern lies with the common but erroneous 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 fitted for self-control or brave or have the other moral qualities” (NE VI:13). 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 reason these are evidently hurtful” (NE VI:13). 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” (NE VI:13). A person with a natural desire to be kind to his loved ones, for example, might easily do them great harm without the guidance of reason. He might bake a rich cake for his dieting friend, offer a cigarette to his pregnant sister, or deceive his wife for fear of hurting her feelings. 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” (NE VI:13). Moreover, Aristotle makes clear that it is such “virtue in the strict sense,” not “natural virtue,” that is of concern in ethics (NE VI:13). In essence then, Aristotle regards our constellation of unchosen personality traits as substantially distinct from cultivated virtue. The former might be the foundation upon which the latter is built, but moral praise and blame are only bestowed upon the latter.

So according to Aristotle's ethics, a person is morally responsible for his moral dispositions and feelings precisely because they are cultivated through repeated, voluntary action. As he writes early in the *Nicomachean Ethics*, “none of the moral virtues arises in us by nature” because “nothing that exists by nature can form a habit contrary to its nature” (NE II:1). Rather, “we are adapted by nature to receive [the virtues], and are made perfect by habit” (NE II:1). We are, in short, responsible for the sorts of people into which we make ourselves.

Constitutive Moral Luck within an Aristotelian Framework

Returning now to the proposed paradox of constitutive moral luck, Nagel clearly faces an uphill battle against Aristotle's complex theory of moral responsibility for cultivated dispositions and feelings. 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 ethics would simply counsel ending the unjust practice of morally assessing those states. The great difficulty for Nagel is that his proposed candidates for constitutive moral luck—complex qualities such as greed, envy, cowardice, coldness, stinginess, unkindness, vanity, and conceit—are not plausibly regarded as beyond a person's control (Nagel 64-5). Ordinary experience suggests that such moral dispositions are developed by the freely chosen actions of a person over time, as described

¹ In this case, “virtue” is perhaps better translated by the morally neutral term “excellence.”

in Aristotle's theory of moral habits—not thrust upon him by an unruly subconscious, genome, or environment. A woman envious and resentful of the greater success of others, for example, only maintains that attitude by the voluntary action: she must consistently choose to focus solely on the goods now possessed by others while ignoring or denying work done to obtain them, even when explicitly brought to her attention by others. Only by doing so is she able to bitterly complain about the unjust favoritism of her boss in giving a special bonus to a harder-working employee or curse the unfair blessing of thinner women with their “skinny genes” while downing a burger, fries, and a coke. Such actions likely provide a convenient rationalization for her failure to improve her own life, albeit at the price of increasing her own misery. Ultimately, the woman's feelings of resentment and envy cannot plausibly be regarded as an alien force imposed upon her psyche apart from her will. Rather, they are foreseeable consequences of her voluntary choices. 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” (Nagel 65). Yet in the very next sentence, he claims that such qualities are “largely a matter of constitutive bad fortune”—without offering any argument or reason for this judgment (Nagel 65). In particular, he offers no reason to reject the Aristotelian view that a person is morally responsible for the predictable effects of his choices upon his own psyche. Nagel is, however, clearly saddled with 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 that many people would certainly prefer to think of as beyond their control.² As such, the category of constitutive moral luck seems to be an empty set.

Responsibility for Entrenched Dispositions

The defender of Nagel might attempt to revive the moribund problem of constitutive moral luck by appealing to a narrower set of cases in which the moral dispositions cultivated by the person are now so entrenched as to be beyond his 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. Since the misanthrope lacks the power to change this disposition for the better, the defender of constitutive moral luck could claim that he doesn't satisfy the control condition for moral responsibility. Of course, such a person would normally be blamed for bad his disposition, likely more so than someone with a mere tendency to misanthropy. The entrenched misanthrope would thus be a victim of bad constitutive moral luck.

While this argument may seem fairly plausible in the abstract, we have good reason to be disturbed by the implication that a thoroughly and irredeemably wicked character actually exonerates those who perpetrate the bloodiest horrors upon the world. By that logic, neither Lenin nor Stalin would be culpable for their relentless lust for power, even though it resulted in the deaths of tens of thousands and millions (respectively). Similarly, the SS guard who relished in the torture and murder of an innocent Jewish family could not be justly blamed for his utter cruelty and inhumanity, whereas the ordinary citizen who turned that family over to the

² Aristotle comments upon the absurdity of the people's common desire to make themselves responsible for their virtues but not for their vices in III:1. Nagel seems to be appealing to such a desire, albeit perhaps inadvertently, in considering only vices as beyond the control of the agent in his discussion of constitutive moral luck.

authorities in a moment of panic and fear could be fully culpable for his weakness. On the flip side, the person who deliberately cultivated a moral character by which perpetrating or contributing to such evils would be psychologically impossible (perhaps even worse than death) would deserve no praise for that character. Although such counter-examples to modified constitutive moral luck are intuitively compelling, the particular errors at work warrant explicit identification. Once again, Aristotle illuminates and clarifies the genuine philosophical foundation of the common sense view under attack.

The critical assumption of the argument against responsibility for entrenched character is that the control condition requires a person to be able to reform his moral character in order to be morally responsible for it. Although perhaps initially plausible, this assumption is false: people are morally responsible for the predictable effects of their actions, even if they cannot later reverse them, including cultivation of a certain kind of moral character.³ Speaking generally, 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. In such ordinary cases, the fact that a 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 perhaps 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.

Notably, to reject this general view that people are responsible for at least the known likely outcomes of their actions is to sink into absurdity. The alternative, in which a person chooses only his directly willed and controlled bodily movements, would render most human action completely senseless because 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 chooses 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

³ 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.

foreseen consequences are acceptable to him.⁴ 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 in some fashion, 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 source of moral responsibility; whether or not a person can later alter the intended and foreseen effects of his actions at will is therefore irrelevant.

This general 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 thoroughly undermines the modified argument for constitutive moral luck accord 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. In fact, Aristotle rejects the argument against moral responsibility for entrenched moral character precisely on the grounds that prior voluntary action was sufficient for present moral responsibility. In speaking of the man who has made himself unjust by voluntary action, Aristotle writes that

...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. We may suppose a case in which he is 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 unjust and self-indulgent voluntarily; but now that they have become so it is not possible for them not to be so. (NE III:5)

In essence then, a vicious man might often be able to reform his character for the better, but such is not a necessary condition of moral responsibility for it. To understand the control condition as demanding the capacity to do otherwise *at any given moment* is to seriously misunderstand it. To be responsible for the near and far consequences of his actions, a person must simply have chosen that course of action voluntarily, in adequate knowledge of the likely outcome.

Knowledge of Actions as the Source of Moral Character

At this point, the advocate of constitutive moral luck might reasonably inquire as to whether people do understand that moral character is produced by corresponding action, such that a vicious or virtuous character is the natural outcome of consistently vicious or virtuous action. Aristotle clearly regards such as elementary knowledge for any competent adult. As quoted earlier, he writes that only "a thoroughly senseless person" would not understand that "it

⁴ 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.

is from the exercise of activities on particular objects that states of character are produced” (NE III:5). In response, the defender of constitutive moral luck could argue that such knowledge was perhaps common in Aristotle’s day, but is no longer so today. Perhaps people do not grasp the virtuous or vicious cycle involved (so to speak): they seem to know that a moral character of a certain type produces the corresponding actions, but not actions of a certain type produce the corresponding moral character.

A complete defense of the Aristotelian view on this point would include a detailed justification for and application of the concept of culpable ignorance. It would show that a basic understanding of the reinforcing relationship between character and action is so easily grasped by any competent adult that any (truthful) claim to ignorance of it by such a person could only result from a deliberate failure to focus on the obvious and relevant facts. Such depth is not possible here, yet we may offer some considerations in support of Aristotle’s general view. Perhaps most compelling is Aristotle’s suggestion that examples of a person’s repeated action altering his capacities and dispositions are pervasive in life, such that any reasonable person ought to be able to form the relevant general principle. He writes that 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” (NE III:5). Aquinas elaborates upon this point in his *Commentary*:

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 (Aquinas #511).

Contrary to our imagined advocate of constitutive moral luck, such is still common knowledge 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 common sense reasoning, they know that a child who lies and manipulates others to get his way is in grave danger of becoming a 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 for flight from her abusive husband every time she submits to him. Of course, most ordinary people may only have a rudimentary understanding of the physical and psychological mechanisms of habituation, particularly in the domain of moral action. They are unlikely to understand the vast array of skills required for moral action. They may mistakenly think that occasional immoralities will not affect their commitment to virtue. Nonetheless, people do seem to adequately understand that a person cultivates a virtuous/vicious character by virtuous/vicious action—and that such is why they are responsible for that character.

Responsibility for Actions Arising from Moral Dispositions

The defender of constitutive moral luck might offer one last objection related to responsibility for moral character, namely that a person ought not be praised or blamed for actions which proceed from a firm and stable disposition, since the disposition precludes him

from doing 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. After all, neither the misanthrope nor the brave soldier could imagine doing otherwise, thanks to their respective moral characters. So on this account, even if a person is responsible for his moral dispositions, he cannot be responsible for the virtuous or vicious actions generated by them. So we could blame the misanthrope for being a misanthrope and praise the brave soldier for being a brave soldier, but we could not praise or blame them for their resulting acts of misanthropy or bravery.

Most obviously, this line of argument seems to confuse 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 (and literally inaccurate) expression meaning that the moral choice in a given situation is so clear that the alternatives need not be seriously considered. The latter, in contrast, implies that choice is actually impossible. From a more philosophical perspective, the argument implicitly assumes that actions which proceed from entrenched moral dispositions are automatic or mechanistic processes over which the agent lacks control. However, such a behaviorist conception of habit is clearly contrary to the common sense view, not to mention Aristotle’s own theory of habituation. In fact, moral habits do not remove choice; they merely prime a person to act in a certain way by activating certain knowledge, commitments, emotions, and skills. Aristotle states this point explicitly in the course of discussing his analogy between the skills involved in the arts (such as bricklaying and lyre-playing) and those involved in moral action. He first observes that “the products of the arts have their goodness in themselves, so that it is enough that they should have a certain character” (NE II:4). In contrast, “if the acts that are in accordance with the virtues have themselves a certain character it does not follow that they are done justly or temperately” (NE II:4). In other words, virtuous actions does not merely require proper outward action by the agent, but also proper inner states on the part of the agent. The virtuous person must be “in a certain condition” when he acts virtuously, namely “in the first place he must have knowledge, secondly he must choose the acts, and choose them for their own sakes, and thirdly his action must proceed from a firm and unchangeable character” (NE II:4). The fact that an agent must choose virtuous action obviously precludes any sort of deterministic causation from habit to action.

While considering these conditions of virtuous action, it is worth noting that Aristotle also requires proper feeling—meaning feeling “at the right times, with reference to the right objects, towards the right people, with the right motive, and in the right way” (NE II:6). However, Nagel seriously mischaracterizes the Aristotelian view in describing the person who acts properly despite his improper feelings as vicious (Nagel 64). In fact, such a person is merely incontinent, not vicious (NE VII:1). Continence (right action due to choice contrary to wrong feelings) is certainly inferior to virtue, yet it is praiseworthy in comparison to either incontinence (wrong action contrary to choice due to wrong feelings) or vice (wrong actions by choice) (NE VII:8). If the continent man is in the process of reforming his moral character, he ought to be praised for his struggles, not castigated for them. Indeed, Aristotle even sympathetically observes that “if a man is defeated by violent and excessive pleasures or pains, ... we are ready to pardon him if he has resisted” (NE VII:7). Notably, Aristotle’s views on this matter are far closer to the actual common sense view than those labeled as such by Nagel.

Given the way in moral feelings and dispositions are established within Aristotle’s ethics, Nagel’s view that they are “beyond the will” or “largely a matter of constitutive bad luck” is simply not plausible (Nagel 64). Nagel offers us no good reason to reject the (properly

understood) common sense view that a person is morally responsible for the readily predictable effects of his choices and actions upon his own psyche, i.e. upon the formation of his moral character and feelings.

Concluding Thoughts

Although this paper has focused solely upon Nagel's claim of constitutive moral luck, we might at least note that both circumstantial and resultant luck 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.

References

- Aquinas, Thomas. *Commentary on Aristotle's Nicomachean Ethics*. Translated by C.I. Litzinger. Notre Dame, Ind.: Dumb Ox Books, 1993.
- Aristotle. *Nicomachean Ethics* [cited 4 May 2005]. Available from http://www.non-contradiction.com/ac_works_b26.asp.
- Nagel, Thomas. "Moral Luck." In *Moral Luck*, edited by Daniel Statman, 57-71. Albany, NY: SUNY Press, 1993.