RESPONSIBILITY & LUCK

A DEFENSE OF PRAISE AND BLAME

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1. A CASE OF MORAL LUCK

In the wee hours of the morning on June 4th, 2005, twenty-eight-year-old Kevin Kraft was driving through the city streets of Aurora, Colorado. When twenty-five-year-old Arlene Gavrilis attempted to make a left turn, he struck and killed her. She was to be married later that day. Police determined that Kraft was driving 102 miles per hour; his blood alcohol content of 0.119 was well over the legal limit of 0.08. Kraft pled guilty to driving under the influence and vehicular homicide. At the sentencing in September 2006, he admitted responsibility and expressed remorse for the deadly crash. The judge was unfavorably impressed by his history of minor run-ins with the law and his 2003 drunk driving accident, in which he injured the other driver. Of particular significance was the fact that Kraft never completed his alcohol rehabilitation program after that accident. The judge sentenced Kraft to the maximum penalty of twelve years in prison.

According to ordinary moral and legal standards of culpability, Kevin Kraft deserved to be blamed and punished for his reckless driving. He was not forced to act as he did. He knew the risks of driving drunk and of speeding through city streets. He could have drunk less alcohol or none at all; he could have refrained from driving while drunk; he could have driven more slowly. Instead, he chose to act in a way that put everyone in his path in mortal danger. By those same moral and legal standards, Kraft was also culpable for the death of Arlene Gavrilis. Even though he did not intend to kill her, he foreseeably caused her death by his own reckless actions. Since he could and should have done better, he deserved to be blamed and punished for that death.

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1 This story is drawn from 7News 2005; Clark 2007; Nicholson 2006; and Nicholson 2007.
Those claims of legal and moral culpability depend on the widely accepted principle, known as the “control condition,” that moral responsibility requires control.² We suppose that a person must control his actions, their effects, or his traits to be justly praised or blamed for them.³ So if Kraft drove as he did through the streets of Aurora because he lost consciousness during a massive heart attack, because criminals tampered with his brakes, or because an earthquake vaulted his car forward, his lack of control over his own bodily movements (and thereby over his car) would absolve him of blame. In this case, however, Kraft drove recklessly, rather than with all due care, of his own accord. He controlled his actions—and so he deserves blame and punishment for those actions and their effects.

From a different angle, however, Kevin Kraft seems to be a victim of bad luck. His driving, although extremely reckless, might not have caused any accident. Kraft might have driven himself home, passed out on his couch, and woken up with no more serious problems than a nasty hangover. An accident was not inevitable: by sheer luck, other drivers might never have crossed his path. Even if the police had caught Kraft driving under the influence, the maximum penalty he could have suffered in Colorado for a second offense is one year in jail, a fine of $1500, and 120 hours of public service.⁴ So Kraft’s legal punishment seems partly a product of his bad luck. That bad luck affects moral judgments of him, too. Most people would blame Kraft far more for killing a person while driving recklessly (e.g., “he’s a monster, unforgivable”) than for just driving recklessly (e.g., “he’s unthinking, dangerous”). Even Kraft will blame himself more for killing someone (e.g., “I can never make up for what I’ve done”) than he would for just driving recklessly (e.g., “I was so stupid”). So Kraft’s bad luck in encountering Arlene Gavrilis on the road at just the wrong moment seems to render him more culpable.

This influence of luck on our ordinary moral judgments and on legal punishments is troubling because it seems to violate the standard control condition for moral responsibility. The problem is that Kraft neither choose to kill another person, nor knew that he would do so. He killed a person because various accidental features of his circumstances lined up in just the wrong ways. Those circumstances were not under his control; they were mere matters of luck for him. If a person is responsible only for what he controls, as we commonly suppose, then to judge and punish Kraft more severely because he happened to kill Arlene Gavrilis seems unjust.

² Here, and in the rest of this book, we will focus on retrospective rather than prospective responsibility.
³ The problem of moral luck concerns the legitimacy of praise and blame, not the nature of a person’s future obligations. For more on that distinction, see Duff 1998, §1; Corlett 2001, pp. 9-11.
⁴ Further description of this intuitive idea of control can be found in McKenna 2004, §2; Kane 2007, pp. 5-7; and Fischer and Ravizza 1998, p. 13. As we shall see in Chapter Two, philosophers differ in their views of the kind of control required for moral responsibility.
⁴ Colorado Revised Statutes 42-4-1301.
The apparent conflict found in this case—between the common belief that moral responsibility requires control and the common practice of judging people for what seems outside their control—is known as “the problem of moral luck.” As developed most clearly and forcefully by Thomas Nagel, the proposed cases of moral luck attempt to show that even when “a significant aspect of what someone does depends on factors beyond his control, ... we continue to treat him in that respect as an object of moral judgment.” Such luck arguably influences every action, outcome, and trait of a person subject to moral judgment. Consequently, the problem of moral luck threatens most—if not all—of our ordinary moral judgments of persons.

2. NAGEL’S CASE FOR MORAL LUCK

Nagel’s case for pervasive moral luck begins with a brief survey of “the ordinary conditions of moral judgment,” particularly the “control condition” for moral responsibility. Appealing to the primitive intuition that “people cannot be morally assessed for what is not their fault, or for what is due to factors outside their control,” Nagel observes 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.”

The problem of moral luck arises from the attempt to apply that control condition consistently in our everyday moral judgments. When we carefully consider the various forces shaping human actions, Nagel claims, we find 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.” So the problem of moral luck is that our ordinary moral judgments routinely violate the control condition: people are praised and blamed for matters beyond their control.

Nagel divides the various cases of moral luck into three major types, based on whether outcomes, actions, or character are morally judged. Those types are “resultant moral luck,” “circumstantial moral luck,” and “constitutive moral luck, respectively.”

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5 Nagel 1993, p. 59. Bernard Williams (1993) and Joel Feinberg (1970) were also instrumental in the development of the problem of moral luck.
6 Nagel 1993, p. 58.
7 Nagel 1993, p. 58.
8 Nagel 1993, p. 58.
9 Nagel 1993, p. 58.
10 I will ignore Nagel’s fourth category of “causal luck,” since it concerns the broader question of free will versus determinism. Some commenters on moral luck have suggested alternative schemes of classification,
**Resultant moral luck** concerns the outcomes of actions: a person is often morally judged for the outcome of his action despite his lack of full control over that outcome. The case of Kevin Kraft is a paradigmatic case of resultant moral luck. He did not control whether he hit another vehicle or not as he drove through any given intersection because he did not control the movements of other vehicles. Yet he is blamed more or less on that basis. In such cases of negligence or recklessness, a person is blamed more and often punished more when his careless action causes a worse outcome, even though forces beyond his control influence the production of that particular outcome.

Resultant moral luck also includes cases of failed attempt—albeit only when the failure is due to some unexpected intervening force rather than any misgivings or incompetence by the agent himself. For example, when a hit man fails to kill his intended victim because his well-aimed bullet is deflected by a bird in flight, the hit man is commonly blamed and punished less for that failed attempt than if he murdered his victim as intended, even though the failure was merely a matter of luck.

A third kind of resultant moral luck involves inherently risky action. In these cases, the ultimate outcome of the action cannot be predicted with any reasonable confidence or adequately controlled as it unfolds, yet the agent is morally judged for that outcome. Here, Nagel offers the example of “someone who launches a violent revolution against an authoritarian regime”: that person “knows that if he fails he will be responsible for much suffering that is in vain, but if he succeeds he will be justified by the outcome.” Either way, Nagel claims, the person’s moral status depends on events beyond his control.

The common thread in these three kinds of resultant moral luck—negligence, failed attempt, and risky action—is that a person is deemed morally better or worse because of the outcomes of his actions, even when those outcomes are shaped by luck.

**Circumstantial moral luck** concerns moral judgments of persons for their actions. A person’s luck in the circumstances of his life often exerts a powerful influence on the actions possible to and performed by him. In this way, luck seems to shape the person’s

but none are more illuminating than that of Nagel. See, for example, Ollila 1993, pp. 19-21. For reasons to be explained in Chapter Six, my distinction between circumstantial and constitutive moral luck is somewhat more precise than that offered by Nagel.

11 Nagel 1993, p. 60. Cases of resultant moral luck are also found in Williams 1993, pp. 38-9 and Feinberg 1970, pp. 32-4.
12 Nagel discusses a similar case of negligent driving in Nagel 1993, p. 61.
13 As is common in civil law, I will use the general term “negligence” to refer to both negligence and recklessness, unless I specify otherwise. The distinction will be explained in Chapter Seven.
14 Nagel 1993, p. 61.
15 Nagel 1993, p. 61.
16 Nagel 1993, pp. 61-3.
17 Nagel 1993, p. 61.
18 Nagel 1993, pp. 65-6. Cases of circumstantial moral luck are also found in Feinberg 1970, pp. 34, 191-2.
The Problem of Moral Luck

moral record, yet the control condition for moral responsibility should preclude that. The core cases of circumstantial moral luck concern the ways that luck in circumstances affects a person’s opportunities to display his moral character by his actions. For example, if Joe plans to murder his wife on Tuesday but she dies in an unrelated automobile accident on Monday, he escapes all blame for the murder he did not need to commit by sheer luck. He can be blamed for intending or planning the murder, but he cannot be blamed for the irreversible act of murder itself.

Other proposed examples of circumstantial moral luck involve a person’s luck in facing some revealing moral test or not, as in this case described by Nagel:

Ordinary citizens in Nazi Germany had an opportunity to behave heroically by opposing the regime. They also had an opportunity to behave badly, and most of them are culpable for having failed this test. But it is a test to which the citizens of other countries were not subjected, with the result that even if they, or some of them, would have behaved as badly as the Germans in like circumstances, they simply did not and therefore are not similarly culpable.

Over the course of his life, every person faces moral challenges beyond his control and absent from the lives of others. The praise or blame accrued thereby seems to be partly a matter of luck.

The basic problem of circumstantial moral luck is that a person’s actions are “limited by the opportunities and choices with which [he is] faced,” yet “we judge people for what they actually do or fail to do, not just for what they would have done if the circumstances had been different.” Since different people face vastly different circumstances over the course of their lives, our moral judgments of a person’s actions seem hopelessly skewed by his luck in circumstances.

Constitutive moral luck concerns moral judgments of character, given that luck influences “the kind of person you are,” including “your inclinations, capacities, and temperament.” Nagel focuses on the propriety of praise and blame for moral dispositions and feelings given our lack of direct control over them. For example, a woman might be blamed for her bitter jealousy over her husband’s innocent relationship with a female co-worker, even though such feelings arise in her unbidden.

The more compelling cases of constitutive moral luck highlight the influence of luck on a person’s moral development. First, children seem to be born with the rudiments

19 Enoch and Marmor (2007, p. 421) offer a similar example.
21 Nagel 1993, pp. 58, 66.
22 Nagel 1993, p. 60. The idea that a person’s moral character substantially depends on luck in the basic circumstances of his life is commonplace, as expressed in the phrase, “There but for the grace of God go I.”
23 Nagel 1993, pp. 64-5.
of a distinct personality or temperament likely to influence their moral development. For example, some children seem to be more adventurous by nature, and those children presumably find the virtue of courage easier to cultivate than their more timid peers.

Second, a child’s upbringing dramatically shapes his moral values and dispositions, often in ways beyond his control or knowledge. The child of Athenian citizens in ancient Greece was schooled in substantially different virtues than the child of medieval German peasants, for example, and these different upbringings would affect each person’s character as an adult. On a smaller scale, parents are often more strict with first-born children than with later children, often in ways that seem to influence their respective characters as adults.

Third, an adult’s moral character may be shaped for better or worse by the people and events around him, even though these are beyond his control. So a careless person might be inspired to change his habits by a particularly conscientious co-worker with whom he is assigned to work on a project, a married woman might be drawn into an affair with an old flame after he initiates contact, or a pacifist might reject his long-held principles of nonviolence after being mugged at gunpoint. Absent those lucky or unlucky events, the person’s moral character would likely be different.

The basic problem of constitutive moral luck is that a person is praised for his virtues and blamed for his vices, as if those traits were entirely his own creation. In fact, however, those virtues and vices seem to be partly the product of accidental forces beyond his control.

These various cases of circumstantial, resultant, and constitutive moral luck raise serious questions about the justice of our ordinary moral judgments. In theory, we think that a person must control that for which he is morally judged. Yet in practice, our judgments often seem to depend substantially on accidental factors wholly or partly beyond his control. If a person’s luck in life were different, our moral judgments of him might change dramatically. That seems unfair. Such is the problem of moral luck, in essence.

3. THE IMPORTANCE OF MORAL LUCK

At first glance, the problem of moral luck might seem to consist of a set of puzzling cases about moral responsibility of little significance to ethics as a whole. Yet as already suggested, the problem of moral luck raises doubts about most, if not all, of our ordinary moral judgments of persons. How so?

Luck is a pervasive influence in human life, not an occasional or isolated phenomenon. Many forces beyond a person’s control shape the course of his life, whether for
better or worse. Most obviously, no one chooses the particular family, culture, nation, or era of his birth. No one controls his own genetic makeup. Few people have any significant power to influence the economic conditions, political institutions, and moral climate that shape their lives. A person’s knowledge of and control over the various factors affecting his work and other ordinary pursuits will always be quite limited. Moreover, a person’s actions often have far-reaching, unexpected, and unpredictable effects in the world. Even routine activities, from cooking to driving, involve some degree of risk, often unknown. Ultimately, luck seems to influence every action, outcome, and trait for which a person could be praised or blamed. That is worrisome, to say the least. Luck seems to render a person unable to ever satisfy the control condition for moral responsibility. If nothing can be fully a person’s own doing as an agent, then he cannot be justly praised or blamed for anything. In other words, even our most prosaic moral judgments of persons may be tainted by luck.

That conclusion might seem too strong. Surely, some might protest, luck does not affect all our ordinary moral judgments. After all, people act based on their own deliberate choices; they produce outcomes just as planned; and they purposefully cultivate character traits. Our moral judgments in such cases do not seem to be based on luck. Yet in fact, luck taints those moral judgments too. Recall that Nagel uses the term “luck” to refer to any force beyond a person’s control—not just unusual, unexpected, or unplanned events. So luck, in Nagel’s sense, influences every action, outcome, or trait for which a person might be judged. An action is shaped by luck even if deliberately chosen because the alternatives open to the person were influenced, if not determined, by circumstances beyond his control. An outcome is shaped by luck even if it unfolds as planned because some chance intervention might have produced a different outcome. Even if cultivated purposefully, character is shaped by luck because a person’s most basic moral development might have been radically different if he were born into a different family or culture. So the problem of moral luck represents a sweeping challenge to the practice of moral praise and blame. That can be seen even more clearly from a brief survey of the implications of resultant, circumstantial, and constitutive moral luck for our ordinary moral judgments.

First, consider resultant moral luck. The proposed cases of resultant moral luck are somewhat narrow in scope: they concern negligence, failed attempts, and risky actions. In these cases, some external force intervenes to prevent the outcome of an action from reflecting the agent’s intentions. Yet the problem of resultant luck is broader: forces beyond a person’s control shape every outcome of every action, even when the outcome occurs just as planned. Even a meticulously planned action might produce unexpected

24 Concepcion (2002, p. 148) makes a similar point.
results if derailed from its intended course by some random intervening force. So any purposeful act might become a failed attempt—or simply produce unexpected side effects—due to luck. Whether that happens or not is itself a matter of luck, albeit of a less obvious kind. So ultimately, every outcome for which a person might be morally judged is shaped by luck.

Next, circumstantial moral luck casts doubt on all moral judgments of actions. Even when a person acts by deliberate choice, his possible courses of action are constrained by factors beyond his control. A person never wholly determines his own circumstances in life; those circumstances are shaped in various ways by luck, including luck in the conditions of his birth. In different circumstances, he might act very differently because he would face different possible courses of action and likely outcomes. So to judge a person for his actual actions, whether deliberately chosen or not, means to judge him partly based on his luck in circumstances.

Finally, constitutive moral luck threatens all judgments of character. A person never chooses his own virtues and vices ex nihilo; he must cultivate them based on his already-established moral psychology. That base psychology is shaped by luck in various complex ways, particularly luck in the moral influences of his upbringing. Even when a person deliberately chooses to cultivate certain virtues and vices rather than others, that choice depends on accidental features of his moral history beyond his control. With a different moral history, he might have chosen to develop a different moral character. Consequently, any judgment of a person as virtuous or vicious depends on that person’s luck in his moral influences.

Ultimately, if resultant, circumstantial, and constitutive moral luck exist, then the control condition would preclude judging people as morally better or worse for any of their actions, the outcomes thereof, or their character traits. Moral praise or blame of a person would never be just, precisely because a person’s deserts could not be isolated from his luck. That is why Nagel claims that “ultimately, nothing or almost nothing about what a person does seems to be under his control,” and so “if the control condition is consistently applied, it threatens to erode most of the moral assessments we find it natural to make.”

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25 Dorter (2003, pp. 130-31) discusses Plato’s “Myth of Er” in which souls choose their characters before birth. This fantasy would seem to make us responsible for our lives, because “the character on the basis of which we make our choices” would be the one chosen by us, rather than merely given to us (Dorter 2003, p. 131). Yet absent some pre-existing moral values, the soul’s choice of character would be arbitrary.

26 Nelkin observes that Nagel’s arguments imply that “if we adhere to the Control Principle, we should refrain from making any moral judgments” (Nelkin 2004, §1). Moreover, “no actual punishment could be justified on the basis of moral desert” because “no one would be morally responsible for anything” (Nelkin 2004, §2.1).

4. MORAL LUCK AND RAWLS’ EGALITARIANISM

The problem of moral luck does not merely cast serious doubt on the justice of ordinary moral judgments of persons. By its method of undermining claims of desert, moral luck also offers crucial foundational support for an egalitarian political order. That should be of grave concern to anyone interested in individual liberty and rights.

In A Theory of Justice, John Rawls famously argues for egalitarianism as a basic moral principle of social organization on the grounds that people do not earn the favorable or unfavorable circumstances of their birth, including their natural talents. Since all that people accomplish in life depends on those original circumstances, Rawls claims, no person can rightfully claim to deserve more than anyone else. While Rawls’ book predates Nagel’s paper on moral luck by some years, his argument largely consists of an appeal to the supposed injustices wrought by luck, including moral luck.

According to Rawls, the “natural distribution” of various qualities, circumstances, and talents between persons is “neither just nor unjust.” So it is not unjust that Sally is born smarter, faster, and stronger than many other children. Such differences are “simply natural facts.” However, “what is just or unjust is the way that institutions deal with these facts,” particularly when “the basic structure of [a society] incorporates the arbitrariness found in nature” by rewarding those favored by nature with a greater share of the goods of life, as in aristocracies and capitalist economies. Rawls claims that a more just political order is possible in which luck in birth is alleviated rather than magnified by our institutions. That can be done via the “difference principle,” which states that “social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged and (b) attached to positions and offices open to all under conditions of fair equality of opportunity.”

Rawls justifies his difference principle by explicitly appealing to its capacity to minimize the effects of luck:

The difference principle represents, in effect, an agreement to regard the distribution of natural talents as a common asset and to share in the benefits of this distribution whatever it turns out to be. Those who have been favored by nature, whoever they are, may gain from their good fortune only on terms that improve the situation of those who have lost out. The naturally advantaged are not to gain merely because they are more gifted, but only to cover the costs of training and

28 Others have noticed this connection between egalitarianism and moral luck; see Corlett 2001, p. 12 and Nelkin 2004, §2.2.
30 Rawls 1971, p. 102.
31 Rawls 1971, p. 102.
32 Rawls 1971, p. 102.
33 Rawls 1971, p. 83.
education for using their endowments in ways that help the less fortunate as well. No one deserves his greater natural capacity nor merits a more favorable starting place in society. But it does not follow that one should eliminate these distinctions. There is another way to deal with them. The basic structure can be arranged so that these contingencies work for the good of the least fortunate. Thus we are led to the difference principle if we wish to set up the social system so that no one gains or loses from her arbitrary place in the distribution of natural assets or his initial position in society without giving or receiving compensating advantages in return.\[34\]

For Rawls, any political system that permits, protects, and enforces claims that some people deserve more than others necessarily enshrines the arbitrary distribution of better and worse starting positions in life. Those original life circumstances determine a person’s basic capacities and opportunities in life, yet a person cannot possibly deserve those circumstances by any virtuous or vicious actions before birth. For example, Joe might claim to deserve his commissions as a car salesman because he sold the requisite number of cars to buyers. Yet his very capacity to earn such commissions depends on his good fortune of being born in a technologically advanced, semi-capitalist economic system, rather than, for example, the backwaters of Siberia under Soviet communism. So Joe cannot claim to deserve more than his impoverished and oppressed Siberian counterpart—or anyone else.

In essence, Rawls regards all claims of desert as infected with circumstantial moral luck. A person cannot justly claim rights to goods on the ground that he earned them. After all, luck in circumstances made earning those goods possible in the first place. Accordingly, for Rawls, only an egalitarian political order can be truly fair. Knowing that the basic course of their lives depends on luck in their original circumstances, “men agree to share one another’s fate” by instituting egalitarianism.\[35\]

Moreover, Rawls appeals to constitutive moral luck—particularly the effect that a person’s original circumstances has on his ultimate moral character—to reject further arguments for desert based on virtue. He writes:

Perhaps some will think that the person with greater natural endowments deserves those assets and the superior character that made their development possible. Because he is more worthy in this sense, he deserves the greater advantages that he could achieve with them. This view, however, is surely incorrect. It seems to be one of the fixed points of our considered judgments that no one deserves his place in the distribution of native endowments, any more than one deserves one’s

\[35\] Rawls 1971, p. 102.
initial starting place in society. The assertion that a man deserves the superior character that enables him to make the effort to cultivate his abilities is equally problematic; for his character depends in large part upon fortunate family and social circumstances for which he can claim no credit. The notion of desert seems not to apply to these cases. Thus the more advantaged representative man cannot say that he deserves and therefore has a right to a scheme of cooperation in which he is permitted to acquire benefits in ways that do not contribute to the welfare of others. There is no basis for his making this claim.\footnote{Rawls 1971, pp. 103-4.}

So on this analysis, a person cannot deserve more or less based on his moral character, since that character is surely influenced by luck in the circumstances of his birth, i.e., by constitutive moral luck.

Significantly, neither Nagel nor Rawls denies that people make real choices that shape the course of their lives. Rather, their common idea is that the options available to a person in life and the values guiding his choices are substantially shaped by arbitrary luck. Any claims that a person deserves more or less—whether in praise and blame or in the goods and evils of life—are hopelessly tainted by that luck.

Rawls’ case for egalitarianism involves far more than just the arguments from luck discussed here. Yet these appeals to the arbitrary and disparate effects of luck motivate his basic egalitarian ideal. In particular, they clear the way for egalitarianism by undermining the common view that some people deserve more than others based on their own choices and actions. Consequently, if Nagel’s argument for moral luck can be shown to be flawed, the case for egalitarianism may be weakened too.

5. OVERVIEW OF THE BOOK

The basic thesis of this book is that the problem of moral luck can be solved by a broadly Aristotelian theory of moral responsibility and moral judgment. If our moral judgments of persons are grounded in a proper understanding of the nature and demands of moral responsibility, then we will praise and blame a person only for his willing and purposeful doings as an agent—not for his luck. He will be judged fairly for those doings in light of his actual circumstances, including the alternatives and knowledge available to him at the time.

More particularly, this book argues that the problem of moral luck stems from a faulty understanding of the conditions of moral responsibility and the process of moral judgment. A person need not determine every aspect of his actions, outcomes, and character to be morally judged for them, as Nagel’s analysis presumes. He need not determine
everything that influences them either. That demand for total control cannot be satisfied, and so, via the problem of moral luck, moral responsibility seems beyond our reach.

Yet in fact, people are morally responsible for many if not most of their actions, the outcomes thereof, and their character traits. To understand why and how, a theory of responsibility must be developed based on a careful examination of the nature of human agency and the purpose of moral judgment. As we shall see, the conditions for moral responsibility are basically those identified by Aristotle in Book Three of the Nicomachean Ethics. On that account, a person may be justly praised and blamed only for his voluntary actions. An action is voluntary when (1) the person is the source of his action and he has the power to perform it or not and (2) he acts with adequate knowledge of what he is doing. Those two basic conditions are known as the “control condition” and the “epistemic condition,” respectively. When further developed and extended, they determine the nature and limits of a person’s responsibility for the outcomes of his actions and for his character traits too.

Unlike Nagel’s impossibly strict conception of control, the resulting theory of responsibility is generally consistent with our ordinary ideas about moral judgment. People ought to be—and usually are—morally judged only for their voluntary doings, products, and qualities as rational, self-governing agents. Moreover, Nagel’s questions about whether a person’s actions, outcomes, and character traits might have been different in different circumstances are irrelevant to moral judgment. Rather, so long as those actions, outcomes, and character traits are voluntary, a person can be justly praised or blamed for them. This account of moral responsibility and judgment eliminates the appearance of moral luck in the puzzling cases raised by Nagel and others. So we can reasonably conclude that our ordinary moral judgments are just and proper: they do not depend on luck in any problematic way.

This book is divided into eleven chapters. In Chapter Two, I survey the most plausible solutions to the problem of moral luck proposed in the philosophical literature, exploring how and why they fail. (Readers not interested in academic philosophy may wish to skip this chapter.) In Chapter Three, I argue for the necessity of a theoretical re-examination of the foundations of moral responsibility, particularly in light of Nagel’s implicit standard of “total control” for moral responsibility.

As background for a well-grounded theory of moral responsibility, Chapter Four examines the nature, purpose, and demands of normative judgments (in general) and moral judgments (in particular) of persons. Moral judgments, I argue, must be limited to a person’s voluntary actions, outcomes, and traits.

In Chapter Five, I explain, defend, and expand on the basic standards for moral responsibility for actions originally identified by Aristotle. In essence, a person’s action is his voluntary doing as an agent provided that he satisfies the control and epistemic conditions. Chapter Six applies these conditions for moral responsibility for actions to the
proposed cases of circumstantial moral luck. It shows that a person’s voluntary actions are properly subject to praise and blame in light of the alternatives available to him, even when those alternatives are shaped by luck.

Chapter Seven identifies the extent of a person’s moral responsibility for the outcomes of his actions by further developing the control and epistemic conditions. If a person satisfies those conditions as applied to outcomes, then the outcome in question must be regarded as the person’s voluntary product as an agent, such that he can be justly praised or blamed for it. Chapter Eight applies these conditions for responsibility to the proposed cases of resultant moral luck. That analysis reveals some of the messy complexities of judgments of persons for the outcomes of their actions, yet also confirms our common sense attributions of moral responsibility and legal liability.

Chapter Nine draws on Aristotle’s moral psychology to sketch the process by which a person cultivates his character by his own thinking, choices, and actions. A person’s moral responsibility for the resulting virtues and vices depends on his satisfaction of the control and epistemic conditions with respect to those processes. Chapter Ten applies that view to reject claims of constitutive moral luck as ill-founded. It shows that adults are justly praised for their virtues and blamed for their vices in most cases, whether lucky or unlucky in their moral influences.

Finally, Chapter Eleven steps back to survey the whole problem of moral luck in order to understand the reasons for its appeal—and its failure. This chapter also briefly considers whether Rawls’ luck-based argument for egalitarianism suffers a similar fate.

Before closing, I should say a few words on the presuppositions of this book. On the whole, this work rests on a substantially Aristotelian foundation. It uses a teleological rather than deontological approach to ethics, meaning that “the moral propriety of actions depends on their relationship to [the] overarching end” of the agent’s own flourishing.\(^7\) It also draws on Aristotle’s moral psychology, particularly his understanding of the cultivation of character. In addition, this work presupposes a libertarian understanding of free will as the agent’s power to perform or not perform some action, independent of antecedent conditions. In my view, moral responsibility is not possible absent such freedom. While I will offer some defense of these principles as needed, my focus will not be on defending them but rather on developing an account of moral responsibility compelling in its own right and robust enough to solve the problem of moral luck.

Does the pervasive influence of luck in life mean that people cannot be held responsible for their choices? Do people lack the control required to justify moral praise and blame?

In his famous article “Moral Luck,” philosopher Thomas Nagel casts doubt on our ordinary moral judgments of persons. He claims that we intuitively accept that moral responsibility requires control, yet we praise and blame people for their actions, the outcomes of those actions, and their characters—even though shaped by forces beyond their control, i.e., by luck. This is the “problem of moral luck.”

Philosopher Diana Hsieh argues that this attack on moral judgment rests on a faulty view of control, as well as other errors. By developing Aristotle’s theory of moral responsibility, Hsieh explains the sources and limits of a person’s responsibility for what he does, what he produces, and who he is. Ultimately, she shows that moral judgments are not undermined by luck.

In addition, this book explores the nature of moral agency and free will, the purpose of moral judgment, causation in tort and criminal law, the process of character development, and more.

Diana Hsieh received her Ph.D. in philosophy in 2009 from the University of Colorado at Boulder. She now focuses on the application of rational principles to the challenges of real life. Her radio show, Philosophy in Action Radio, can be heard via live stream or as a podcast. Past shows and other work can be found at PhilosophyInAction.com.