RESPONSIBILITY & LUCK

A DEFENSE OF PRAISE AND BLAME

DIANA HSIEH, PH.D.
CHAPTER THREE
LUCK AND CONTROL

1. TAKING A STEP BACKWARDS

The examination of the major proposed solutions to the problem of moral luck in the previous chapter might seem to have exhausted all hope for a coherent account of moral judgment and moral responsibility. The problem of moral luck cannot be solved by revising our ordinary moral judgments or by adopting different conditions for moral responsibility. What other options do we have? One promising possibility, largely unexplored in the existing literature, seeks to identify some flaw in Nagel’s construction of the problem of moral luck itself. Nagel’s understanding of the traditional control condition for moral responsibility is of particular concern, as is its proper application in his proposed cases of moral luck. If the requirements of moral responsibility have been somehow misunderstood and then misapplied, the whole problem of moral luck might be a mistake.

Surprisingly, Nagel rejects any theoretical inquiry into the control condition as a hopeless quest, claiming that when we consider the various cases of moral luck, we do not suspect that the control condition might be false. We do not think that the person is fully morally responsible, even though lacking control. Rather, he argues, we recognize that the person’s lack of control renders him less responsible than we once thought, if responsible at all. That response to the various cases of moral luck confirms our agreement with the intuitive control condition used to generate the problem of moral luck. In other words, Nagel claims, “the erosion of moral judgment [in the proposed cases of

1 Nagel 1993, pp. 59–60.
moral luck] emerges not as the absurd consequence of an over-simple theory, but as a natural consequence of the ordinary idea of moral assessment, when it is applied in view of a more complete and precise account of the facts. As a result, he continues, philosophers cannot hope to solve the problem of moral luck by investigating the nature and limits of moral responsibility, such as by identifying “a more refined condition which pick[s] out the kinds of lack of control that really undermine certain moral judgments.” That would be fruitless, as the control condition is clearly the “intuitively acceptable” principle guiding our everyday praise and blame of persons. The paradox of moral luck simply cannot be a “mistake,” Nagel concludes.

Happily, Nagel is wrong to deny that a solution to the problem of moral luck might emerge from serious investigation of the conditions of moral responsibility. If his account of the control condition is flawed in some subtle way, that flaw might not be immediately apparent in the abstract or even in its application to some specific cases. Or rather, some cases might seem strangely troublesome—just as in the proposed cases of moral luck. After all, our newfound impressions of diminished responsibility due to the influence of luck are not unshakeable. If we reflect again on a person’s power to avoid doing wrong, causing harm, and cultivating vice, our prior judgments of blame will often reassert themselves, despite our awareness of the influence of luck. For example, something seems amiss in softening or vacating the condemnation of a drunk driver who kills a pedestrian just because the driver did not control that pedestrian’s perfectly lawful attempt to cross the street. When we recollect that the drunk driver could have avoided risking the lives of any pedestrians whatsoever by not drinking so much or by not driving once drunk, severe blame again seems warranted. In short, our responses to the cases of moral luck are often not nearly as stable as Nagel claims.

This ongoing conflict of intuitions about moral responsibility in the proposed cases of moral luck shows that the possibility of some fault in Nagel’s conception and deployment of the control condition cannot be summarily dismissed, as he would like. The accuracy of that control condition, so crucial to generating the problem of moral luck, can only be confirmed or denied by a detailed inquiry into Nagel’s standards for control, followed by a serious look at the nature and demands of moral responsibility. The latter will be done in subsequent chapters. For now, our concern is to illuminate Nagel’s understanding of the control required for moral responsibility. We will find that his control condition is far too demanding for human agents to satisfy—and inconsistent with our ordinary standards for praise and blame.

5 Nagel 1993, p. 60.
6 Nagel 1993, p. 60.
2. NAGEL’S NOUMENAL AGENTS IN A PHENOMENAL WORLD

Nagel opens his essay on moral luck by reflecting on Kant’s ideal of moral agency: that which is morally judged must be wholly within the agent’s power, free from any external forces that might distort or mask the agent’s pure act of will.8 Nagel does not explicitly endorse that impossible ideal of “noumenal agency.” Yet his case for moral luck clearly shows its strong influence, particularly when contrasted with the more ordinary notion of control as the capacity to do otherwise.

As noted earlier, the control condition for moral responsibility is commonly understood in the philosophical literature on free will as consisting of two parts: (1) the person must be the source of the action and (2) the person must have the power to act other than he does.9 The “source” aspect of control is easily satisfied: a person must be moved by his own mental and bodily processes, not pushed around by external forces. The “alternative possibilities” aspect of control is more controversial—and less easily satisfied. It requires the morally responsible person to be capable of selecting alternative courses of action. So Ellen is responsible for giving Jane a bouquet of flowers if and only if she does so yet could have refrained from doing so.10 In that case, Ellen can be justly praised for her gift of flowers because she freely performed that particular good deed out of all the other options available to her. In contrast, if Ellen were programmed to give Jane the flowers—perhaps due to hypnotic suggestion—then she would not be responsible for doing so. This understanding of control as including the capacity to do otherwise envisions a person’s life as a “garden of forking paths” in which he chooses between the various alternatives open to him.11 Even according to its compatibilist critics, that view is not just “our commonsense way of looking at the world” but also central to “our more theoretical moral and legal perspectives.”12

Nagel describes the view of control he uses to generate the problem of moral luck as the “intuitively plausible” condition for moral responsibility.13 On occasion, Nagel characterizes moral responsibility in terms of a person’s choice of one path from amongst many alternatives.14 Yet that standard view is not Nagel’s operative view of control in

8 Nagel 1993, p. 57. Kant’s view of the relationship between morality and luck is examined in Moore 1990.
9 McKenna 2004, §2. That two-part conception of control is drawn from Aristotle, as will be discussed in Chapter Five. In his writings on free will, John Fischer uses the term “regulative control” to refer to a person’s capacity to do otherwise (Fischer 2007, p. 47; McKenna 2004, §§). I resist using that term, although it might be useful here, because it cedes too much ground to the compatibilist. Its purpose is to make room for another kind of control, termed “guidance control.” However, as will be argued in Chapter Five, “guidance control” is not a kind of control but rather a deterministic causal chain.
10 The control condition is not the sole criterion for moral responsibility, as we shall see in Chapter Five.
11 Kane 2007, pp. 5–7. This “garden of forking paths” model of control will be explained and defended in Chapter Five.
12 Fischer 2007, p. 47. See also Kane 2007, pp. 5–6.
13 Nagel 1993, p. 58.
his arguments for the existence of moral luck. Nagel implicitly upholds Kant’s ideal of “noumenal agency” by requiring the morally responsible person to exert the all-encompassing power of “total control.” On that view, any action, outcome, or quality of a person subject to praise or blame must be wholly determined by the person’s will, without any influence from external sources or antecedent conditions.

Unfortunately, Nagel never clearly articulates this view of control in his paper on moral luck. He treats the control condition as an intuition requiring neither explanation nor defense. With phrases like “prior to reflection” and “without being able to explain exactly why,” he suggests that the control condition for moral responsibility is philosophically ungrounded and uncritically accepted. In addition, Nagel plainly states in *The View from Nowhere* that “we hold ourselves and others morally responsible for at least some actions,” even though “we cannot give an account of what would have to be true to justify such judgments.” Nonetheless, his demand for total control by the morally responsible agent is evident from his analyses of his proposed cases of moral luck. Here, we shall examine an example of each type of moral luck.

First, consider the kind of control relevant to Nagel’s case of the negligent parent: “If [a parent] leaves the bath running with the baby in it, [he] will realize, as [he] bounds up the stairs toward the bathroom, that if the baby has drowned [he] has done something awful, whereas if it has not [he] has merely been careless.” The parent is subject to resultant moral luck because his own will does not fully determine whether the child drowns or not. Instead, that outcome is partly determined by random factors—such as whether the child slips while reaching for a toy. Once the parent leaves the room, whether the baby lives or dies is beyond his control, yet that parent will be blamed far more if the baby dies than if not. Nagel regards that difference as unjust.

The influence of luck on the ultimate outcome of this scenario is hardly the whole story, however. Nagel’s focus on the events after the parent departs the room obscures the parent’s actual power to determine the outcome, based on his capacity to act (and thereby cause) otherwise. By leaving the room to tend to matters downstairs, the parent knowingly and willingly abandons the life of his baby to chance. He could have returned to the room sooner than he did, thereby lessening the risk. Even better, he could have prevented any possibility of drowning by staying in the room with the baby, as any reasonable parent knows he ought to do. However, Nagel ignores the parent’s capacity to ensure the safety of his child by perfectly ordinary actions within his power. He overlooks the range of actions possible to the parent, i.e., what he might have done instead of leaving the room and engrossing himself in some other task downstairs. Nagel

\[15\] Nagel 1993, p. 58.
\[16\] Nagel 1986, p. 120.
\[17\] Nagel 1993, p. 63.
focuses myopically on the parent’s inability to determine the ultimate outcome once he willingly acted in a way that rendered his baby’s life dependent on chance. In so doing, Nagel presumes that moral responsibility for the foreseeable outcomes of one’s actions requires the power to fully determine the actual outcome—not just the power to select a range of likely outcomes by choosing to act in this way rather than any other. To eliminate the resultant moral luck in this case, Nagel would require the parent to exert control over the outcome even after he has willingly relinquished it to chance. The parent would have to be able to determine by his own will whether the baby drowned or not—even though that parent is downstairs preoccupied with other matters. Clearly, that is unrealistic—and inconsistent with ordinary standards for moral responsibility.

Next, consider Nagel’s most compelling case of circumstantial moral luck, namely the comparison of the Nazi officer and the Argentinean businessman:

Someone who was an officer in a concentration camp might have lead a quiet and harmless life if the Nazis had never come to power in Germany. And someone who led a quiet and harmless life in Argentina might have become an officer in a concentration camp if he had not left Germany for business reasons in 1930.18

By Nagel’s analysis, the major moral gap between the Nazi officer’s brutal actions and the Argentinean businessman’s decent actions is substantially due to moral luck. After all, neither man controlled the political events that so shaped the respective courses of their lives. The Nazi officer did not exercise any notable political influence to aid Hitler’s rise to power, and the Argentinean businessman did not deliberately leave Germany to escape that evil. Consequently, our ordinary moral judgments are misguided: the Nazi officer does not deserve so much condemnation, particularly not when compared with the praise given to the Argentinean businessman.

However, a closer look at this case of circumstantial moral luck reveals that our ordinary praise and blame of these men is for actions under their control—in the sense that they could have done otherwise. The Nazi officer was neither compelled to support the Third Reich, nor obliged to participate in genocide. He had genuine options: he could have fled Germany, joined a resistance group, helped Jews hide from authorities, or even just not joined the SS. Instead, he chose to commit unspeakable evils of his own free will. Similarly, the Argentinean businessman chose to live a morally decent life—rather than return to Germany to join the SS, send funds to the Third Reich, or drum up support for Hitler in Argentina. In other words, a person’s luck in living under the Third Reich (or not) does not prevent him from controlling his actions in the ordinary sense of choosing from amongst morally better and worse alternatives for which he is praised or blamed. As before, Nagel’s denial of moral responsibility in this case reveals his standards for

control as far more demanding than found in the ordinary control condition. For Nagel, a person’s informed choices between better and worse alternatives are not sufficient grounds for moral praise and blame. On his view, fairness would require testing people under identical circumstances, as if playing through identical levels in a video game. Or people would have to be able to directly choose their own circumstances, meaning that the Nazi could escape his past choices by whisking himself away from the Third Reich to the more easy environs of Argentina whenever he pleased. Again, that is unrealistic—and inconsistent with ordinary standards for moral responsibility.

Finally, in sketching the problem of constitutive moral luck, Nagel focuses on a person’s lack of control over unwanted moral traits and feelings. He writes:

A person may be greedy, envious, cowardly, cold, ungenerous, unkind, vain, or conceited, but behave perfectly well by a monumental effort of will. 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. Even if one controls the impulse, one still has the vice. ... To some extent ... a quality may be the product of earlier choices: to some extent, it may be amenable to change by current actions. But it is largely a matter of constitutive bad luck. Yet people are morally condemned for such qualities, and esteemed for others equally beyond the will: they are assessed for what they are like.19

For Nagel, the critical problem with moral judgments of character is that neither moral dispositions nor their corresponding emotions are within a person’s power to change at will. A person cannot reshape his character to his liking by a simple decision. He cannot simply unplug his habits of envy and spite and replace them with benevolence and generosity, no matter how much he wishes to do so.

Significantly, Nagel acknowledges that a person’s character may be “the product of earlier choices” and “amenable to change by current actions” in the passage above.20 Yet that kind of control over character does not preclude his worries about constitutive moral luck. For Nagel, a person is subject to constitutive moral luck so long as his moral character is other than whatever he now wishes it to be. In other words, his analysis supposes that responsibility for moral character and emotions hinges on more than just the power to shape that character and those emotions over time by thought and action. Instead, for Nagel, moral responsibility requires a person to exert some kind of direct control over character: a person must be able to alter his moral psychology at will. So once again, the control that Nagel demands is unrealistic—and inconsistent with ordinary standards for moral responsibility.

19 Nagel 1993, pp. 64–5.
These three proposed examples of moral luck reveal the onerous demands of Nagel’s version of the control condition for moral responsibility. For Nagel, a person’s capacity to do otherwise than he does, in conjunction with being the source of his action, is not sufficient control for moral praise and blame. Instead, a person must exert total control. He must be able to fully determine every aspect of that for which he is morally judged—and do so at will. He must be able to exclude any outside force from interference or even influence. In short, Nagel’s argument for moral luck implicitly demands that morally responsible humans live up to a broadly Kantian ideal of noumenal agency.

This interpretation of Nagel’s view of the control required for moral responsibility is supported by his general discussion of autonomy and responsibility in *The View from Nowhere.* In the chapter entitled “Freedom,” Nagel speaks of moral judgments as based on comparisons of a person’s actual actions with the other possible alternatives he faced at the time. Yet he also speaks of genuine autonomy (or being “really free”) as requiring us “to act from a standpoint completely outside ourselves, choosing everything about ourselves, including all our principles of choice—creating ourselves from nothing, so to speak.” Nagel recognizes that ideal of autonomy as “self-contradictory,” because “to do anything we must already be somebody”—yet he claims that we cannot escape wishing for it. We have an “impulse” to “act from outside ourselves” and to “create ourselves ex nihilo,” but that is “logically impossible.” Ultimately, satisfying that impulse would require us to be “omnipotent”; we would have to be able to determine by an act of will “the entire history of the world that produced us and faced us with the circumstances in which we must live, act, and choose.” As we have seen, that impossible ideal of total control is the implicit standard Nagel uses to generate the problem of moral luck.

Given the Kantian assumptions hidden in his control condition, Nagel’s case for the existence of moral luck can be understood as an indirect but extended argument that humans cannot satisfy the ideal of noumenal agency. We cannot satisfy that ideal because what we cause, what we choose, and even who we are always depends on the vast range of uncontrollable causal forces in the external world. On reflection, Nagel claims, we discover ourselves to be mere phenomenal objects buffeted about in a phenomenal world—but we cannot rid ourselves of the contrary idea that we are noumenal agents, wholly free and responsible. As Margaret Walker observes, “the view against which moral luck offends is that of pure agency: agency neither diluted by nor implicated in the vagaries of causality at all, or at least not by causality external to the agent’s will.”

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26 Walker 1993, p. 244.
3. CRITICAL COMMENTARY ON NAGEL’S VIEW OF CONTROL

In the philosophic and legal literature on moral luck, Brynmor Browne, Michael Moore, and Michael Zimmerman persuasively criticize Nagel’s demand for total control as a condition of moral responsibility. Unfortunately, they make little use of these insights, instead endorsing one of the standard solutions to the problem of moral luck discussed and rejected in Chapter Two. Nonetheless, their criticisms of Nagel’s understanding of control are illuminating.

In “A Solution to the Problem of Moral Luck,” Brynmor Browne distinguishes between matters “under our control” and those “entirely of our own making.” He writes,

Initially, the presence of chance in our actions appears to threaten control. But care must be taken here because “what is under our control” is not the same as “entirely of our own making.” The first thought allows the presence of chance in actions, in that the situation in which the agent has control is made up of elements not of his own making. The man who drives a car has it under his control, even though chance may have played a part in his being hired to drive it. The latter thought represents a condition which is unrealizable because whatever an agent does, he cannot act in a world entirely of his own making, or be an agent who is entirely of his own making and who acts from options or possibilities entirely of his own making.”

Unfortunately, Browne abandons these insights in his response to the problem of moral luck. He identifies the control condition with what is “entirely of our own making” rather than just what is “under our control.” Like Nagel, he wrongly claims that we have a “deep-rooted intuition” in favor of this impossible demand. He thereby accepts Nagel’s formulation of the problem of moral luck. His proposed solution is a denial of moral responsibility and rejection of moral judgment similar to that proposed by Slote. Browne claims that we should hate the sin but not blame the sinner, that moral judgments dependent on luck may be recast in terms of feelings such as anger, and that punishment should be abandoned entirely.

Far more compelling is the attack on Nagel’s view of control over outcomes developed by philosopher of law Michael Moore. His basic strategy is to contrast Nagel’s view of control with the proximate cause test used in the law. The purpose of the proximate cause test, according to Moore, is to draw a distinction between two kinds of “harms in fact caused by the defendant’s voluntary action”: (1) “those freakishly so

caused” and (2) “those more normally caused.” The person who causes some harm via a freakish causal route is not legally liable for that harm but “only for lesser crimes of attempt, specific intent, or risk-imposition,” whereas the person who causes the same harm via a normal causal route is “liable for the more serious punishments reserved for completed crimes.”

For example, consider the following pair of cases in which a person causes a forest fire. In the first case, a person “culpably throws a lighted cigarette into some bushes; the bushes catch fire, but would burn themselves out if it were not for a normal evening breeze that comes up, carrying the fire to the forest and burning it down.” The scenario in the second case is the same, “except that the breeze that comes up is a gale force wind never before seen at this time of year, which wind uproots the burning bushes and carries them to a distant forest, which ignites and burns.” Moore observes that the forest fires in both these cases are beyond a person’s control in the sense used by Nagel. If the wind had stayed quiet, the forest would not have burned at all—and the person clearly did not control the wind. Therefore, for Nagel, the person did not control the outcome of his action, and he should not be liable for it. In contrast, Moore notes, the proximate cause test yields very different results. In the first case, the moderate winds provide an ordinary causal path for the fire, and so the person is properly held liable for the burning of the forest. In the second case, the freakish winds preclude liability. In many other cases, an analysis based on proximate causation yields different results than one based on Nagel’s notion of control.

The contrast between the analyses offered by Nagel’s control condition and by the proximate cause test, Moore argues, proves that Nagel’s concept of control is not the same as that used in the law to limit liability for harms caused. The law simply does not require people to control the outcomes of their actions in the way that Nagel claims. The same is true of our ordinary moral judgments for harms caused: they are based on a principle far closer to the proximate cause test than Nagel’s version of the control condition. As for control, Moore writes:

Nagel is surely wrong about his idea of control being built into our ordinary idea of moral assessment. When we proximately cause just the harm we intended to cause by our actions, we have not lacked control as we use that phrase in ordinary moral assessments. The actor who lights the bushes in order to burn the forest,

31 Moore 1994, p. 254. The murky notion of “proximate causation” will be discussed in Chapter Seven.
and whose act causes the burning of the forest without the intervention of any abnormal or freakish factors, is in control of that result, as we ordinarily use the word “control.” Only would-be forest burners whose acts bring about the destruction of the forest in a chance or freakish way lack control in this sense, because their choices do not cause the harm. Nagel’s stringent idea of control—where to control a result is to control all factors necessary to that result, even the normally occurring factors—finds no resonance in the ordinary notion of control, nor in the ordinary notion of moral assessment.\[38\]

So if Nagel wants us to accept his problem of moral luck as genuine, then he must “argue for his notion of control as being morally correct, despite its not being an extension of our ordinary notion of responsibility.”\[39\] Nagel never does that. As a result, Moore rejects the problem of moral luck as based on a mistake.

Unfortunately, Moore’s analysis of the proposed cases of moral luck is unpersuasive. He makes little use of his criticisms of Nagel’s too-demanding view of control. Instead, he appeals to our emotions to justify our greater blame and punishment of a person when harms attempted or risked actually materialize than when they do not. In particular, the wrongdoer’s feelings of guilt and others’ resentment of him are stronger when a harm actually occurs than when it is merely risked.\[40\] Yet the real question raised by the proposed cases of moral luck is whether such feelings and judgments are rationally justified or not. Moore offers no answer.

The most sophisticated objection to Nagel’s view of control is found in Michael Zimmerman’s article “Luck and Moral Responsibility,” in the form of a distinction between “restricted control” and “unrestricted control.”\[41\] According to Zimmerman, a person has “restricted control” over some event when “[he] can bring about its occurrence and can also prevent its occurrence.”\[42\] To exert “unrestricted control” over some event, a person must exert “restricted control both with respect to it and to all those events on which its occurrence is contingent.”\[43\] Based on this distinction, Zimmerman identifies two possible versions of Nagel’s argument about moral luck. The first version of the argument is:

Premise 1: A person P is morally responsible for an event e’s occurring only if P was in unrestricted control of e.

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\[38\] Moore 1994, p. 257.
\[42\] Zimmerman 1993, p. 219.
Premise 2: No event is such that anyone is ever in unrestricted control of it.
Conclusion: No event is such that P is morally responsible for its occurring.  

According to Zimmerman, this version of the argument seems to be the one advanced by the advocates of moral luck. So how does it fare? Premise 2 is true. Restricted control is impossible “if only because no one is in control of his being born—an event on which all of his decisions, actions, omissions, and the consequences thereof are contingent.” Yet Premise 1 must be false: our ordinary standards for moral responsibility cannot be so impossibly demanding. So the argument against moral responsibility based on a standard of unrestricted control fails.

However, the argument for moral luck can be weakened to concern only restricted control as follows:

Premise 1: A person P is morally responsible for an event e's occurring only if P was in restricted control of e.
Premise 2: No event is such that anyone is ever in restricted control of it.
Conclusion: No event is such that P is morally responsible for its occurring.

Premise 1’s demand for restricted control is more consistent with our ordinary standards for moral judgment. However, Premise 2 is clearly false. A person with normal physical capacities clearly enjoys restricted control over a variety of matters, such as whether to drink the glass of water next to him, whether to thank the waiter or not, whether to express feelings of anger or not. So the argument against moral responsibility based on a standard of restrictive control fails too.

Unfortunately, in order to eliminate the differential moral judgments in the proposed cases of moral luck, Zimmerman embraces a version of the equalization solution. In particular, he argues that the effects of luck can be eliminated from moral judgments by focusing moral judgments on mental states of various kinds. So the drunk driver would be blamed for his decision to drive drunk, not for his unlucky killing of the pedestrian. Yet as seen in Chapter Two, that approach leads to the regress argument: people must be judged and treated equally—despite vast differences in their characters.

45 Zimmerman 1993, p. 221.
47 Zimmerman 1993, p. 222.
49 Zimmerman 1993, p. 220. Zimmerman regards that version of Premise 1 as false as stated but capable of the necessary minor modifications to render it true.
50 Zimmerman 1993, p. 220.
intentions, actions, and products. Zimmerman fails to see that implication, perhaps because he concerns himself with only resultant and circumstantial moral luck while ignoring constitutive moral luck.52

With these criticisms of Nagel’s view of control in mind, we can now draw some general conclusions about flaws in the formulation of the problem of moral luck. These will point the way to its resolution.

4. THE WAY FORWARD

As noted at the outset of this chapter, Nagel claims that “the view that moral luck is paradoxical is not a mistake, ethical or logical, but a perception of one of the ways in which the intuitively acceptable conditions of moral judgment threaten to undermine it all.”53 That is false. The problem of moral luck does rest on a mistake, namely Nagel’s too-demanding view of the control required for moral responsibility.

Although claiming to rely on the ordinary notion of control, Nagel requires far more than just that a person be the source of his actions, with the power to do otherwise. Instead, Nagel supposes that any influence on a person’s actions, outcomes, or character beyond his control undermines his moral responsibility. Hence, Nagel’s operative standard for moral responsibility must be understood as that of “total control.” John Fischer explains that standard of total control in terms of the source requirement as follows:

On this picture [of control], the locus of control must be entirely within us, if we are to be morally responsible. But when there is some factor that is external to us, over which we have no control, and upon which our behavior or even “the way we are” is (or might be) counterfactually dependent, the locus of control is not within us in the relevant way.54

Similarly, David Owens describes Nagel as demanding “total or unconditional control,” meaning that “we control something only if we also control all the factors which govern the exercise of that control.”55 The problem, Fischer observes, is that “total control is a total fantasy.”56 Every person’s “existence and agency” depend on innumerable “sustaining causes,” such as the shining of the sun and the adequate care provided by parents during childhood, over which a person cannot exert any control.57 In fact, mere mortals

53 Nagel 1993, p. 60.
54 Fischer 2007, p. 67.
55 Owens 2000, p. 68.
56 Fischer 2007, p. 67.
57 Fischer 2007, pp. 67, 68.
cannot ever exert total control over anything. As Nagel himself acknowledges, that would require the powers of an omnipotent deity. Consequently, a standard of total control precludes any and all moral responsibility.

Happily, we need not and should not accept total control as a condition of moral responsibility. As we have seen, Nagel does not attempt to justify it. He simply assumes total control to be the intuitively plausible and common sense view. In fact, the common sense view is something quite different. As we shall see in Chapter Five, we have good reason to accept the traditional view of control, according to which the morally responsible person must be the source of his actions and possess the power to do otherwise.

However, a plausible solution to the problem of moral luck requires more than just observing that Nagel's analysis is based on a faulty notion of control. Many of the proposed cases of moral luck are genuinely puzzling. Ordinary moral judgments praise and blame some people more than others, seemingly due to luck and perhaps without good reason. Can a more reasonable conception of control make sense of these judgments? If so, the way is not obvious. Part of the difficulty, as we shall see, is that Nagel's views about the nature and process of moral judgment are faulty too. His proposed cases of moral luck rely on comparisons between a person's actual circumstances and other potential circumstances—yet such comparisons are irrelevant to our moral judgments. He also conflates various kinds of moral judgments: he expects judgments of outcomes to do the work of judgments of actions and judgments of actions to do the work of judgments of character. As we shall see, these errors about moral judgment make Nagel's case for the existence of moral luck seem far more plausible than it is.

Truly dispelling with the problem of moral luck requires asking and answering questions such as the following: Why blame successful attempts more than failed attempts—if at all? Is a negligent person more culpable if he causes some harm than not—and why? Is it just to blame a person for some wrongdoing, while others who would have acted the same in the same circumstances are blamed less, if at all? Can a person be held responsible for character traits cultivated in childhood? These questions are important—and our mere intuitions about moral responsibility do not yield any clear answers to them, particularly not once those intuitions have been confused by Nagel's proposed cases of moral luck.

Ultimately, fully dispelling with the problem of moral luck requires developing a theory of moral responsibility well-grounded in the facts of human nature and purpose of moral judgment, and then applying that theory to the puzzling cases of moral luck raised by Nagel and others. Those are the tasks of the remaining chapters of this book.

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A DEFENSE OF PRAISE AND BLAME

DIANA HSIEH, PH.D.

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.