

THE DEFINITION OF “LUCK” AND THE PROBLEM OF MORAL LUCK¹

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In his seminal paper on moral luck, Bernard Williams announces that he will be using the notion of luck “generously [and] undefinedly” (Williams 1993: 37). Nagel does the same, using the notion of moral luck freely with no attempt to offer a precise definition. For both of them, luck has to do with lack of control, but what exactly this means and what the other conditions for luck are remain unclear. For 30 years or so, the questions raised by these two papers animated a lively discussion in ethics, in epistemology, and in the philosophy of religion,² by and large without anyone feeling that in order to make progress, a clear definition of luck was necessary. Recently, however, things have changed.³ To refrain from exploring the general notion of luck is now considered by some writers as no less than philosophically “shocking.”⁴ In their view, progress in understanding what exactly we mean by “luck” can provide the key to understanding and potentially to solving the problem of moral luck or, at least, enabling it to be dismissed.

The purpose of this chapter is to reject this line of thought, namely, the belief that an analysis of what exactly we mean by the term “luck” might offer a way to solve the problem of moral luck. I do so by offering a critical examination of three papers on moral luck: by Duncan Pritchard (2006), and more recently by Steven Hales (2015) and Thomas and Jennifer Lockhart (2017) (hereafter ‘the Lockharts’), respectively.

Pritchard argues that the two classical papers on moral luck, those of Williams and of Nagel, fail in offering a coherent account of the problem of moral luck. In his view, this failure arouses the suspicion that such an account cannot really be given. In the same vein, Hales argues that a proper understanding of the notion of luck yields the conclusion that there is no such thing as moral luck while the Lockharts make a more modest move in the same direction, one based on an analysis of the notion of control (the lack of which has always been seen as essential to luck). After dealing with all these papers in turn, I conclude with some general observations.⁵

Pritchard: Why the Standard Examples of Moral Luck Are Not Instances of Luck

In Pritchard’s view, Williams and Nagel, the two philosophers who sparked off the moral debate, failed in putting forward even a partial account of luck, a failure that “disguises the fact that by the lights of any plausible account of this notion the examples of moral luck that they offer are ambiguous, to say the least” (Pritchard 2006: 1). This, by itself, does not show that there could be no coherent account

of the problem of moral luck, but, in Pritchard's (2006: 1) view, it does point us toward this "grander claim." A proper understanding of the notion of luck is assumingly an important step in realizing that there is no genuine problem of *moral* luck. While Pritchard discusses both Nagel and Williams, I will limit my comments to his treatment of Nagel because it is the former's formulation of the moral luck problem that has dominated the philosophical debate rather than that of Williams.

Pritchard starts with the classic case of Nagel's pair of reckless drivers, one of whom hits a pedestrian while the other arrives at his destination unscathed. Pritchard concedes that the driver who killed the pedestrian would receive—and ought to receive—a harsher punishment than the lucky driver who did not, but, in his view, this does not show that his *moral* record is worse. Punishment does more than express moral disapproval, hence there is no inconsistency in saying that, on the one hand, the drivers are morally equal in the relevant respect, namely, equally blameworthy for their reckless behavior while, on the other, that they should receive different punishments:

We might wish to punish one criminal more severely than another for committing the same crime for the sole reason that the one criminal's act, while otherwise identical, resulted in more suffering than the other's and we want our punishments (somehow) to represent this differing extent of suffering.

Pritchard 2006: 5

However, as Pritchard rightly observes, this is a strategy often used by opponents of moral luck to object to the pairs of examples put forward by Nagel. They insist that the agents in these pairs are to be judged only by what is within their control, hence are morally equal in the relevant respects, and they then offer an argument to explain away the intuition that one offender is more blameworthy than the other. In Pritchard's version of this strategy, the source of the mistaken intuition lies in a failure to distinguish between moral opprobrium and legal punishment. Once the mistake is acknowledged, we can safely retain the correct, anti-luck, position. What Pritchard seeks to do is to strengthen this conventional criticism by a further argument that purportedly shows that Nagel's cases should not be taken as examples of moral luck in the first place.

How is this supposed to work? Pritchard assumes a modal account of luck according to which

a lucky event is an event that occurs in the actual world but does not occur in most of the nearest possible worlds to the actual world where the relevant initial conditions for that event are the same as in the actual world.

Pritchard 2006: 3⁶

Armed with this understanding, consider the case of a reckless driver who regularly risks harming pedestrians by his driving. If such a driver hits a pedestrian, it is not a case of *luck*; the event occurs in most of the nearest possible worlds to the actual world where the relevant initial conditions for that event are the same as in the actual one.

Pritchard makes a similar move with regard to Nagel's standard example of circumstantial luck in which a German who was an officer in a concentration camp is compared to a German who emigrated to Argentina in 1930 for business reasons but *would* have become a Nazi criminal had he stayed in Germany. If we suppose that the German expatriate was lucky not to have been in Germany in the 1930s, that would mean that there are many nearby possible worlds in which this agent lives in Germany and commits atrocities under the Nazi regime. But, says Pritchard, if this is taken at face value, there is indeed no moral difference between the actual Nazi officer and his German-Argentinian counterpart. If, however, we stipulate that the possibility that the German expatriate would have become a Nazi is remote, namely, that there are very few nearby possible worlds in which he would be obliged to commit such crimes, then, by definition, the fact that he leads a peaceful life in Argentina is not a matter of *luck*, hence not one of (good) *moral* luck.

Definition of "Luck"

Furthermore, it is hard to imagine two otherwise identical agents engaging in lifestyles that are so radically different from a moral point of view. That would be to say that two identical agents in nearby possible worlds, under the same initial conditions, would have radically different moral records, an assumption which seems impossible. Hence, once again, the fact that the German expatriate led a peaceful life in Argentina cannot be seen as a matter of luck, because that would imply the absurd result that, in some nearby possible world, *he* would be a Nazi murderer.

Let me now make some critical comments. First, I am not convinced that Pritchard offers a new argument against moral luck which is based on his general account (the "modal account") of luck. What seems to do the work in Pritchard's argument against Nagel is his firm conviction—shared by all opponents of moral luck—that (a) when two agents are identical in the relevant moral features, they should be seen as morally equal (again, in the relevant aspects) and (b) that these features do not include factors over which the agents do not have control. In this spirit, he says that, upon reflection, we would deny that the unlucky driver (who hit a pedestrian) committed a morally worse action than his counterpart, and deny that there is a moral difference between the actual Nazi and the would-be Nazi. Pritchard does not substantiate these assertions, which are at the very heart of the moral luck debate, he just invites the readers' agreement. But the important point for the present context is that these assertions in no way rely (or are presented as relying) on his (or any other) specific account of luck.

Pritchard realizes that his critique of Nagel follows the conventional strategy of simply denying the moral difference between the cases in each of the pairs mentioned by Nagel and, in order to show that he, nonetheless, adds to this critique, he says that his argument "supplements and strengthens" it. But the impression one gets from reading Pritchard is that the conventional critique is not only necessary for rejecting moral luck, but it is also sufficient; *it does all the required work*. And indeed, once one denies the moral difference between the two drivers or the two assassins, etc., how important can it be to go into an analysis of the notion of luck? This denial would immediately make the moral luck problem lose its sting.

Second, for the moral luck problem to emerge, it need not be the case that, strictly speaking, *both* the agents in the pairs of examples can be said to be subject to luck, only one of them need be. Assume, as Pritchard has it, that the reckless driver, the one who routinely endangers pedestrians, cannot conceptually be said to be *unlucky* if he hits one. Now think of a different driver (or of himself in a nearby possible world) who behaves in the same way but fortunately hits nobody. This other driver no doubt *can* be said to have been lucky in not hitting anybody. The question then is whether there is any moral difference between them, in particular, whether the latter is less blameworthy than the former. It is *this* question that Nagel wishes to raise and Pritchard has not shown how his (Pritchard's) general account of luck puts us in a better position to answer it (or to dismiss it).

Third, in Pritchard's view, it is hard, if not impossible "to imagine two otherwise identical agents engaging in lifestyles that, due to luck, are drastically divergent in their moral status" (2006: 9). That a vicious person engages in vicious activity is not a matter of luck; it is just playing out his character. *How* vicious his actions will turn out to be and what particular form they will take will depend on the contingent circumstances in which he finds himself, for example, growing up in Germany in the 1930s, but his moral status under these circumstances would not be drastically different from the one he would obtain under different circumstances.

But, as we learn from Milgram-like experiments, circumstances have a much more dramatic effect on the behavior of people than this argument assumes. Some would say that they are all that matter,⁷ but even if one does not go that far, it is evident that many people who behaved very badly in the circumstances in which they were trapped would have led a completely normal life if the circumstances had been different, and the other way round; many people who led a normal life marked by no especially immoral behavior would have behaved very badly had they lived under different circumstances. Thus, the moral status of most people depends on the circumstances in which they find themselves, which are a matter of luck, both (and obviously) on the lack of control account

and also on the modal one. There are nearby possible worlds where Hitler fails to come to power, in which Nagel's German citizen commits no atrocities and leads a peaceful life as a businessman in Berlin.

To conclude, then, Pritchard might be justified in rejecting moral luck (I leave that an open question), but his critique has a very loose connection, if any, to his general account of luck.⁸

Hales: "The Problem with Moral Luck is Luck Itself"

In Hales's view, there are three different accounts of luck which usually overlap but, at times, part company. The first is the control account according to which an event is lucky (for some subject) if its occurrence is beyond her control. It is widely agreed that this is the most common understanding of "luck" in discussions of moral luck.¹⁰ The second is the probability account, according to which an event is lucky (for some subject) if its occurrence is improbable. The third is the modal account which was introduced in the previous section. Since, in Hales's view, the notion of luck is unambiguous in ordinary language: there is no justification for assuming that it has a different meaning in the different philosophical contexts in which it is used, mainly in ethics vs. epistemology. That is to say, a constraint on any theory of the meaning of luck is that this meaning is held constant in more or less all contexts in which it is (properly) used.

The next step in Hales's argument is to argue that the first account—luck as lack of control—is the only one that could work in morality. If "luck" in "moral luck" referred to either of the other accounts (improbability or modal) then it would be impossible to make sense of some of the paradigmatic cases of moral luck mentioned by Nagel. However, argues Hales, if luck meant lack of control, it would lead to absurd results in epistemology, as it would make everything about knowledge a matter of luck (Hales 2015: 2395). Since we have only limited control over the beliefs that we hold, over the extent to which we are justified in holding them, and, quite obviously, over their truth, knowledge cannot be within our control, hence—on the control account—it is a matter of luck. Hales believes that this leads to an impasse:

We can (1) reject the control theory of luck, which allows the preservation of epistemic luck but eliminates moral luck, or we can (2) accept the control theory, which lets us keep moral luck but botches epistemic luck entirely.

2015: 2396

Hales believes that the way out of the impasse is to adopt option (1). The general lesson that follows from his analysis is that Williams, Nagel, et al. could have believed in the existence of moral luck only because they were somewhat confused about the meaning of "luck" in this expression. In Hales's view, once this term is properly defined, we can see that there is no such thing as moral luck; that it is not "a genuine thing of its own right" (2015: 2385). The celebrated problem of moral luck thus turns out to be one of those philosophical problems that rest on a conceptual confusion.

Or does it? I would like to raise three reasons against this conclusion. First, to get out of the above impasse, we are not forced to deny the reality of moral luck; we could just as well "botch epistemic luck entirely." Why would epistemic luck be botched? Because Hales understands its scope as relatively narrow, applying mainly to Gettier cases. Yet this distinctive interest of epistemic luck is not captured by the control account of luck which, as explained above, is very broad and encompassing.

But I see no reason to limit the meaning of epistemic luck in this way. Gettier-like cases are a great starting point to realize the effect of luck on (what is standardly believed to be) knowledge. Yet, once this is realized, the door is open to realizing that luck has a much broader effect on knowledge, one that ultimately undermines its very possibility. This is so because knowledge is traditionally regarded

Definition of "Luck"

as distinct from true belief precisely by its resistance to luck. In this sense, epistemic luck is no different from moral luck. In both fields, supporters of luck start with paradigm examples—Gettier cases in epistemology, the pair of negligent drivers in ethics—and then move to more general and radical claims about the role of luck in the relevant field. In fact, both Nagel and Williams go this way in their original discussions. A more accurate formulation of option (2), consistent with Hales's argument, would therefore be that if the control account of luck is admitted (which would allow the preservation of moral luck), we would be forced to deny the very possibility of knowledge because "justified true belief is riddled with luck every step of the way" (Hales 2015: 2396).¹¹ But the wish to avoid the devastating effects of luck (under the lack of control account) in epistemology cannot by itself justify the rejection of this account and, consequently, is insufficient to reject the possibility of moral luck. Hales's main argument against the control account of luck, therefore, seems to fail. That this account leads to skepticism with regard to the very possibility of knowledge provides no reason to think that the account is mistaken. Maybe the contrary. We can now realize how widespread the illusion of control is and how important it is, intellectually and ethically, to expose it.

Second, it is rather unclear what Hales means in the conclusion of his paper when he says that moral luck is not a "real (or a 'genuine') thing in its own right" (2015: 2401). I do not see why supporters of moral luck should be committed to this rather obscure proposition. What they are committed to is something like the claim that factors beyond our control often determine our moral status, in particular influence our blame- and our praiseworthiness. To motivate this claim, they point to pairs of cases such as the negligent driver who got home safely vs. the one who hit a pedestrian. They contend that although the difference between them is a matter of luck (it is out of the driver's control that some pedestrian decided to cross the road at the wrong moment), holding different judgments for each of them is justified. Opponents of moral luck, by contrast, contend that the drivers are equally blameworthy. They are blameworthy for their negligent driving, which assumingly *was* under their control, not for hitting the pedestrian which was not. As explained above, according to Hales, the conceptual analysis of "luck" leads to the conclusion that moral luck is not a real thing. Does this mean that, in his view, the two drivers are equally blameworthy? This normative conclusion clearly does not follow from the above argument about the meaning of "luck." At most, what follows is that this word should not be used in any attempt to account for the apparent moral difference between the two drivers. But whether or not this advice should be adhered to (see below), it seems to make a rather minimal contribution to the question that is at the heart of what is known as the moral luck problem, namely, what role is played by what an agent *actually* does—in contrast to what she would have done based on her character, intentions, and efforts—in determining her moral status, in particular her praise- and blameworthiness.

Third, it seems false to contend that those who explicate moral luck in terms of (lack of) control have in mind a general *definition* of luck, such that an event or state of affairs, E, is a matter of luck for some subject, S, iff E's occurrence is not in S's control. Such a definition would immediately face the sunrise objection; the rise of the sun is good for us and also beyond our control, but it is surely not a matter of *luck*. But this objection is so obvious that we should refrain from ascribing the above definition to any serious philosopher. Indeed, in most cases in which participants in the moral luck debate assume a connection between luck and (lack of) control, it is obvious that they have in mind a one-way entailment (if E is a matter of luck for S, then S has no control over E)¹² and not a two-way one (adding that if S has no control over E, then E is a matter of luck for S).¹³

That many philosophers use "luck" in this sense without attempting a definition does not mean that they are using it as a "mere term of art" (Hales 2015: 2400). Lack of control captures a central aspect of what we mean by "luck"—albeit not *all* that we mean by it. So even if it is the case that "there is no philosophical compulsion to talk about luck at all in moral contexts" (*ibid.*), doing so might turn out to be quite helpful in grasping the philosophical problems that are raised by cases like those of the two negligent drivers, the criminal and the would-be criminal, and so on.

Finally, Hales believes that understanding “luck” in terms of lack of control does not enable a better grasp of the relevant philosophical issues. It is a case of *obscurum per obscuras*; replacing one obscure notion (luck) with an equally obscure one (control). But this assumed obscurity of control is inconsistent with Hales’s strategy mentioned earlier in his chapter, where he concedes that although the control account of luck could explain the phenomenon of moral luck, it fails in accounting for epistemic luck. If the notion of control was so obscure, it would not be helpful in any context, either moral or epistemic.¹⁴

The Lockharts: Why Successful Attempts Are Not a Matter of Luck

For the purpose of their paper, Jennifer and Tom Lockhart subscribe to the common view that explicates luck in terms of lack of control (Lockhart & Lockhart 2017: 308). They agree, however, with Hales, that very little has been said to clarify what the notion of luck amounts to. In their view, once this notion is properly analyzed, many cases that are traditionally seen as cases of moral luck will be shown not to be so. Although they do not attempt to solve the problem of moral luck, they do regard their arguments as “largely in sympathy” with its denial. Thus, their paper serves as another example of an attempt to (at least partially) solve the problem of moral luck by a philosophical analysis of the concepts that underlie it, namely luck and control. In their case, too, I am skeptical as to how far this analysis can take us.

The Lockharts do not target all kinds of moral luck, only resultant luck, and, within this category, only intentional actions and not cases of negligence. The classic pair of cases that they start with is that of two assassins, Smith and Stith. Smith succeeds in killing her victim while Stith fails to do so because, at the crucial moment, a bird flies in the line of the bullet. The standard way to analyze this pair of cases by deniers of moral luck is as follows: if one accepts the Control Principle (CP), according to which “we are morally assessable only to the extent that what we are assessed for depends on factors under our control” (Nelkin 2013),¹⁵ then there should be no moral difference in the assessment of the two assassins. In terms of what was under their control—their corrupt character, their decision to carry out the assassination, their actual attempt to do so (loading the gun, pointing it at the victim’s head, pulling the trigger)—there is no difference between them. However, argue supporters of moral luck, we do assess them differently, which seems to yield the Morality Beyond Control Principle (MBC): “The scope of that for which we are morally assessable extends beyond that which is under our control” (Lockhart & Lockhart 2017: 308), or, put simply, luck plays a role in moral blameworthiness.

That Stith, the unsuccessful assassin, is (morally) lucky by the chance flight of the bird in the way of his bullet seems obvious. If it were not for that bird, he would be a *murderer*. An event that was completely beyond his control dramatically changed his moral status (and, in many countries, his legal status as well). But what about Smith, the successful assassin? Can he also be said to be subject to luck? The common wisdom in the field which derives from Nagel’s own treatment of the case is that he can. If Stith’s attempt was a matter of good (moral) luck, then so was that of Smith—though in the case of the latter it was bad (moral) luck. According to the CP, they should be equally assessable for the factors within their control (their decision to murder, their preparations, their actual attempt) and equally *unassessable* for what was beyond their control, namely, that the bullet they fired would have actually killed the victim—but clearly they are not. And this seems to lend support to the MBC principle.

As the Lockharts rightly note, proponents of the CP prefer to deal with cases like Smith and Stith by (a) claiming that upon reflection the moral difference between them disappears and (b) by offering an error theory about the source of the mistaken thought that they are morally different. The Lockharts believe that this strategy is misguided. It assumes that Smith was not in control of killing his victim and concludes from this assumption that, in accordance with the CP, we must assume that

Definition of "Luck"

Smith is not assessable for the killing, only (maybe) for those properties of his inner world that were causally related to the murder (and over which he could be said to have had control). As an alternative strategy to defending the CP (to which the Lockharts themselves are not committed—see Lockhart & Lockhart 2017: 324n2), they argue that Smith *was* in control of killing his victim, hence holding him blameworthy for doing so does not violate the CP and is not a case of luck affecting morality.¹⁶ What underlies this strategy?

According to the Lockharts, the lesson that is usually inferred from the comparison between Smith and Stith is unwarranted. The inference goes as follows: Since Stith made the same effort as Smith to assassinate his victim but failed due to luck, Smith's *success* was similarly due to luck. He could have made the same effort he actually did without thereby killing his victim. Effort, therefore, is insufficient to produce the required intervention in the world, which is assumingly left for Fortuna to do. The problem with this line of thought is that it is based on the denial of agency. Agency, argue the Lockharts, "simply is the capacity to control what happens in the world" (2017: 318), a capacity that almost all persons enjoy. This capacity is imperfect, as we sometimes fail to change the world in the ways we attempt; we try to kill somebody and a bird blocks the bullet we fire. However, they argue:

It does not follow from the *imperfection* of this capacity, from the fact that we may fail to exercise the capacity successfully, that what it is a capacity for is not *exercising* control. When the capacity is exercised successfully, therefore, in paradigmatic cases of action, the effort ensures that the agent will have performed the action.

Lockhart & Lockhart 2017: 318

In other words, in paradigmatic cases of action (like that of Smith), the effort to ϕ is the performance of ϕ rather than something that merely prepares for it, so to say. It is, thus, false to say that Smith and Stith made the same effort (to assassinate their respective victims) and differed only in the way their efforts affected the world, efforts that were assumingly beyond their control (hence a matter of luck). Smith *was* in control of killing his victim, while Stith was not. Stith should be described as making a "mere effort" to kill his victim, while Smith's effort should be seen as identical to the act of killing his victim.

The Lockharts believe that the invalid inference mentioned above is parallel to a famous skeptical argument in epistemology that infers from the fallibility of our perceptual experience that such experience can never yield knowledge of the external world. McDowell's response to this argument that inspired the Lockharts in our context is that to have a perceptual capacity precisely *is* to have the capacity "to get into positions in which one has indefeasible warrants for certain beliefs," beliefs that transcend the subject's consciousness and capture something about the world "out there" (McDowell 2010: 245). The common fallacy in both fields is the thought that since we are imperfect in ϕ -ing (be it acting or perceiving) then even in paradigmatic cases of ϕ -ing we do not have the capacity *to* ϕ , only the capacity to *try* to ϕ .

To conclude, then, in the Lockharts' view, a proper understanding of what it means to be in control (of some action) leads to the conclusion that in paradigmatic cases of action, like that of Smith, it makes no sense to say that the agent's action was out of control, or (what amounts to the same thing) that it was a matter of luck.¹⁷ Thus, examples like Smith and Stith do not lend support to the idea that the scope of the actions for which we are morally judged is beyond our control.

The Lockharts are clear about the modest goal of their paper. The paper does not presume to solve the problem of moral luck, they say, only to undermine a central motivation for assuming that such luck exists. Although they share with proponents of moral luck the intuition that Smith and Stith ought to be morally evaluated differently, they do not presume to provide an argument for this intuition. The point of their paper is to argue against *one* of the arguments that is supposed to undermine

it, namely, that based on the assumed incompatibility of MBC with CP. Specifically, they seek to undermine the thought that Smith and Stith ought not to be assessed differently because what they were in control of was the same.¹⁸

Moreover, of the four types of moral luck listed by Nagel (resultant, circumstantial, constitutive, and causal¹⁹), the motivation on which they focus applies only to one, namely resultant luck. And even within this category they refer only to cases of intentional behavior, not to those of negligence. They would have to limit the type of luck that they are targeting even further to exclude what Nagel calls cases of decision under uncertainty, which are common in public and in private life (Nagel 1993: 61–62). For instance, a political leader signs a peace treaty with a former enemy. A year later it either turns out that this was a brilliant move, leading to peace, stability, and prosperity, or that it was a tragic decision, leading to yet another cycle of violence and bloodshed. With regard to cases like this, the Lockharts' strategy does not seem to work, probably because they are not "paradigmatic cases of *action*." They are best described as attempts (or "mere attempts") to achieve peace, the success of which, and hence the moral status of the relevant agents, clearly depend on factors beyond their control. Nobody would say that the effort to make peace, or the act of signing a peace treaty, is identical to the bringing about of a stable peace between two former enemy states.

In spite of these limitations, the Lockharts contend that their argument encourages resistance to the basic idea held by defenders of moral luck, namely, that people are sometimes morally assessable for factors beyond their control. I am not convinced, however, and in the remainder of this section I try to explain why.

The Lockharts concede that the moral evaluation of Smith and Stith will be, and *ought* to be, different. The common wisdom is that this shows how luck, understood in terms of lack of control, affects (or, if you wish, contaminates) moral judgments; it was Fortuna that turned Smith's effort, or bodily movement, into an act of murder while blocking Stith's effort from bringing about a similar result. By contrast, in the view put forward by the Lockharts, the different evaluation of Smith and Stith is no indication of the intervention of Fortuna. Consistent with the CP, both of these agents are assessed only for factors under their control. Smith was in control of the assassination that he carried out, hence he is evaluated for that. Stith was in control of forming the relevant intention and of attempting to carry it out, and he is morally evaluated for that. Neither illustrates a case of luck affecting morality.

I suspect that most readers would feel dissatisfied by this way of denying (or undermining) the effect of luck. This dissatisfaction has to do with a worry that the Lockharts themselves raise at the end of their paper, namely, that the inner state of Stith seems just as bad as that of Smith, hence they deserve the same level of blameworthiness. Why their inner states seem morally identical is obvious; they formed the same intention, made the same preparations, and in the end pulled their triggers with the purpose of killing—with Stith failing only because of factors beyond his control. That we nonetheless evaluate these agents differently—these *agents*, not (only) their *behavior*—shows that factors beyond our control, or, if you prefer, factors external to us, influence blameworthiness and praiseworthiness.

In other words, the normative question of whether Smith and Stith should be evaluated differently in spite of their inner world being relevantly similar (their intentions, desires, characters, and so on)—ultimately the central question in the moral luck debate—remains open however one analyzes the relation between efforts, attempts, and actions, and however one understands the notion of being-in-control.²⁰ The heirs of Kant propose that all we should care about in the moral evaluation of agents is their inner world, their good (or bad) will. To the extent that we care about actions, that is only because they typically express the will of the agents. Those in the other camp contend that what a person *actually* does is critical in morally evaluating her,²¹ hence there is a moral distinction between the judge who took a bribe and the one who would have taken a bribe but was never offered one, and between the murderer who killed an innocent person and the one who would have done so if a bird had not shown up at the right moment to shield the victim.

Concluding Thoughts

Nagel and his followers point to pairs of cases that leave us deeply puzzled. On the one hand, we have the Kantian intuition that what matters morally is the inner world of agents, and this intuition makes us think that the agents in each of the pairs mentioned in the literature (Smith and Stith; the negligent drivers; the Nazi and the would-be Nazi; etc.) are morally equal. On the other hand, we have the intuition that the agents who actually cause bad results (through assassination, negligence, or mass murder) are morally worse—usually *much* worse—than their counterparts who do not. The way that Nagel sought to capture the puzzle was by talking about the role of *luck* in moral judgments, but the puzzle can be fully appreciated even without using this notion. Instead of luck, one can talk about lack of control which was Nagel's main intention in using this term in any case.²²

Seeing control as the element that differentiates between the twin agents in the above cases does not necessarily mean that *neither* of them was in control of the relevant action/result (at least as far as resultant luck is concerned). To create the sense of puzzle (or paradox, as Nagel (1993: 66) has it), it is enough that *one* of them is judged for what was outside her control. On the Kantian view, that is sufficient to make it a mystery that the unlucky agent is evaluated better or worse than her twin-agent in spite of them having a relevantly similar inner world.

To conclude, then, achieving conceptual clarity is always a virtue in philosophy and this also applies to the central notions in the moral luck literature, those of luck and of control. Nonetheless, I am skeptical as to whether a better understanding of these notions will yield a solution to the problem or will even facilitate significant progress. Whatever labels we use, we cannot escape the sense of paradox that emerges when we face cases like Smith and Stith, the actual and the would-be Nazi, the negligent drivers, and so on. To overcome the paradox (if it *can* be overcome),²³ we must first realize how widespread it is and how diverse are the forms it takes, and second, we must develop a theory of blameworthiness. A central task of this theory will be to either provide a normative justification for the fact that "we judge people for what they actually do or fail to do, not just for what they would have done if circumstances had been different" (Nagel 1993: 66), or to explain why this practice is misguided. In the more conventional terms of this debate which still seem to me apt, such a theory will either justify the fact that luck plays a role in morality, or will explain it away.

Notes

- 1 Thanks to Bob Hartman for very helpful comments, to Tom and Jenn Lockhart for patiently clarifying their view to me, and to Oleg Krasnobayev for excellent research assistance.
- 2 See Zagzebski (1994) and Katzoff (2004).
- 3 Whittington (2014: 656) observes that "luck itself has for a long time been left undefined," but believes that it is now a better-defined notion, which helps to "get moral luck right," as the title of his paper suggests. Similarly, Pritchard (2006: 2) says that "what has been noticeably lacking in the literature is an assessment of the *manner* in which Williams and Nagel employ the concept of luck in their arguments."
- 4 See Hales (2015: 2386): "Shockingly under-examined is the genus of luck itself."
- 5 After I had started working on this chapter, I came across a footnote in Hartman (2016: 2846, n. 1) that makes a similar statement against Hales, namely, that "we do not need to know what luck is in order to inquire about relationship between control, praiseworthiness, and blameworthiness." In a sense, then, the current chapter can be seen as a footnote to that footnote.
- 6 See also Pritchard (2015: 147).
- 7 See, for instance, Harman (2000: 223–226).
- 8 See also Hartman (2017: 25–27) who argues that even if Pritchard was right about the nature of luck, the problem of moral luck would survive under a different name rather than be dissolved.
- 9 Hales (2015: 2385).
- 10 Hales (2015: 2387) notes that Peels is the only philosopher who explicitly does *not* adopt a straight control view; see also Pritchard (2006: n. 3).

- 11 I elaborate on the extent to which luck (in the sense of lack of control) undermines knowledge in Statman (1991).
- 12 See, for instance, the following citations which I borrow from Pritchard (2006: n. 3): “[S]omething which occurs as a matter of luck with respect to someone P is something which occurs beyond P’s control” (Zimmerman 1993: 231); “[T]o say that something occurs as a matter of luck is just to say that it is not under my control” (Greco 1995: 83); “‘As a matter of luck’ here means: in a way that is beyond our control” (Moore 1990: 301); “By ‘luck’ I mean factors, good or bad, beyond the control of the affected agent” (Card 1990: 199).
- 13 I, therefore, do not share Whittington’s assertion that “due to the more recent analysis of luck, LCAL [the lack of control account of luck] has been shown to be a flawed general account of luck” (Whittington 2014: 656). Within this account, lack of control is seen as a necessary condition for luck, not a sufficient one.
- 14 For a similar argument against Hales, see Hartman (2017: 29–31).
- 15 Dana Nelkin, “Moral Luck,” in *The Stanford Encyclopedia of Philosophy*, cited by Lockhart and Lockhart (2017: 308).
- 16 The fact that Smith is blameworthy for the killing leaves open the possibility that he is *as* blameworthy as Stith, the would-be murderer, which is the position taken by Zimmerman (1993), Enoch & Marmor (2007), and others. However, the Lockharts make clear that in their view Smith ought to be judged morally more harshly than Stith.
- 17 That leaves open the possibility that some indirect results of the assassination, such as the depression that afflicts the son of the victim, are outside Smith’s control and hence are a matter of (bad) moral luck. The Lockharts are, therefore, not committed to the denial of the common distinction between actions and results.
- 18 Thanks to the Lockharts for clarifying this point in correspondence.
- 19 The last two labels are mine, not Nagel’s. See my Introduction in Statman (1993: 11).
- 20 The Lockharts concede that, for all they say, it might be true that because the inner states of Smith and Stith are morally identical, the correct moral evaluation of Smith and Stith is identical. Their point is just that one need not be forced to such a conclusion by Smith/Stith-like examples (email correspondence, January 2018).
- 21 See Nagel (1993: 66): “We judge people for what they actually do or fail to do, not just for what they would have done if circumstances had been different,” and Driver (2012: 6) cited by Whittington (2014: 656): “When it comes to the significance of outcomes, people will frequently note that the agent’s impact on the world is morally significant and to deny that significance encourages a kind of moral solipsism.”
- 22 Here I am again walking in the footsteps of Hartman (2017: chapter 2).
- 23 Nagel believes that it cannot, that “in a sense the problem has no solution” (1993: 68).

References

- Card, C. (1990) “Gender and Moral Luck,” in O. Flanagan & A. Rorty (eds.) *Identity, Character, and Morality*, Cambridge: MIT Press, pp. 199–218.
- Driver, J. (2012) “Luck and Fortune in Moral Evaluation,” in M. Blaauw (ed.) *Contrastivism in Philosophy*, London: Routledge, pp. 154–172.
- Enoch, D., & Marmor, A. (2007) “The Case against Moral Luck,” *Law and Philosophy* 26, 405–436.
- Greco, J. (1995) “A Second Paradox Concerning Responsibility and Luck,” *Metaphilosophy* 26, 81–96.
- Hales, D. (2015) “A Problem for Moral Luck,” *Philosophical Studies* 172, 2385–2403.
- Harman, G. (2000) “The Nonexistence of Character Traits,” *Proceedings of the Aristotelian Society* 100, 223–226.
- Hartman, R. J. (2016) “Against Luck-Free Moral Responsibility,” *Philosophical Studies* 173, 2845–2865.
- . (2017) *In Defense of Moral Luck: Why Luck Often Affects Praiseworthiness and Blameworthiness*, New York: Routledge.
- Katzoff, C. (2004) “Religious Luck and Religious Virtue,” *Religious Studies* 40, 97–111.
- Lockhart, J., & Lockhart, T. (2017) “Moral Luck and the Possibility of Agential Disjunctivism,” *European Journal of Philosophy* 26, 308–332.
- McDowell, J. (2010) “Tyler Burge on Disjunctivism,” *Philosophical Explorations* 13, 243–255.
- Moore, A. W. (1990) “A Kantian View of Moral Luck,” *Philosophy* 65, 297–321.
- Nagel, T. (1993) “Moral Luck,” in D. Statman (ed.) *Moral Luck*, Albany: State University of New York Press, pp. 57–72.
- Nelkin, D. (2013) “Moral Luck,” in *The Stanford Encyclopedia of Philosophy* (Winter 2013 Edition), Edward N. Zalta (ed.) <https://plato.stanford.edu/archives/win2013/entries/moral-luck/>
- Pritchard, D. (2006) “Moral and Epistemic Luck,” *Metaphilosophy* 37, 1–25.
- . (2015) “The Modal Account of Luck,” in D. Pritchard & L.J. Whittington (eds.) *The Philosophy of Luck*, New York: Wiley Blackwell, pp. 143–168.

Definition of "Luck"

- Statman, D. (1991) "Moral and Epistemic Luck," *Ratio* 4, 146–156.
- . (1993) "Introduction," in D. Statman (ed.) *Moral Luck*, Albany: State University of New York Press, pp. 1–34.
- Whittington, L.J. (2014) "Getting Moral Luck Right," *Metaphilosophy* 45, 654–667.
- Williams, B. (1993) "Moral Luck," in D. Statman (ed.) *Moral Luck*, Albany: State University of New York Press, pp. 35–60.
- Zagzebski, L. (1994) "Religious Luck," *Faith and Philosophy* 11, 393–413.
- Zimmerman, Michael J. (1993) "Luck and Moral Responsibility," in D. Statman (ed.) *Moral Luck*, Albany: State University of New York Press, pp. 181–194.