The Threat of Moral Luck: A Response to Andre and Richards

Abstract

Both Thomas Nagel and Bernard Williams have claimed that morality is deeply subject to luck. The moral goodness of both agents and actions, they argue, often depends on factors outside of agents’ control. This conflicts with the powerful and widely shared intuition that agents can only be morally responsible for their voluntary actions. This intuition is at the core of Kantian ethical theories and plays a significant role in everyday moral life. The existence of moral luck therefore threatens to undermine Kantian theories and perhaps even morality itself. To neutralize this threat, Judith Andre and Norvin Richards have offered different arguments to show that moral luck does not pose as deep a threat to morality as Nagel and Williams claim. Andre argues that our moral scheme incorporates an Aristotelian element that can allow for the existence of some moral luck. Richards claims that although luck may justifiably influence our moral judgments of people, it cannot affect an agent’s actual moral status. In this essay, I argue that both Andre’s and Richards’ arguments fail. Andre’s account cannot explain why some types of moral luck do not pose a problem for our moral scheme. Richards’ argument renders our concepts of moral evaluation pointless. Nagel and Williams are therefore right to regard the existence of moral luck as a threat to our moral conceptions.

Key Words: Moral Luck; Normative Ethics; Nagel; Kantianism; Moral Responsibility
Thomas Nagel and Bernard Williams both claim that morality is, in various ways, subject to luck. Both our moral goodness (or badness) and the justification of our actions, they claim, often depend on factors outside our control. This is unsettling because it violates the initially plausible idea that one cannot be morally responsible for what is outside of one’s control. As Nagel emphasizes, because this idea is one that many of us share—and not just a piece of a moral theory—the existence of moral luck presents a real philosophical problem, not just an objection to a theoretical conjecture. Not everyone, however, has shared Nagel’s concern that moral luck presents such a serious problem. In this essay, I consider two arguments that purport to show, against Nagel and Williams, that moral luck does not threaten the coherence of our moral scheme. The first is Judith Andre’s, and the second is Norvin Richards’. I will argue that neither of these arguments is successful, and therefore that Nagel and Williams are right to be worried about moral luck. I will begin by giving a brief summary of the problem.

Nagel distinguishes four types of moral luck. Each type identifies a different set of factors that, while outside the agent’s control, may significantly affect his moral status. By “moral status” I mean how good a person he is, how much credit or blame he deserves, and whether he was justified in acting as he did, etc. The first type Nagel and Williams call constitutive luck, by which they mean luck in the kind of person one is. Most of us would consider a person who is generous and kind morally better than someone who is cold and indifferent, even if both of these people always do what is morally required of them. But we do not have control (at least not complete control) over the desires and dispositions that constitute our character; to
some extent, that is a matter of luck (32-33). The second type of moral luck has to do with the consequences of one’s actions. Nagel insists that there is a morally significant difference between reckless driving that has no bad consequences and reckless driving that results in a death. But, of course, whether reckless driving results in a death depends on factors outside of the driver’s control, for instance whether there happen to be people crossing the road at the wrong time (29). Third, one can be morally lucky in the circumstances one faces. An German emigrant who lived a morally good life might have participated in the persecution of innocent Jews had he remained in Germany to see the rise of the Nazis, and of course it may have been a matter of fortune that he left Germany (34). Finally, there is the classic problem of determinism: we have no control over the antecedent circumstances and causal laws that together determine how we will act. But then, assuming that we can be morally responsible for at least some actions, whether we act morally depends on factors that are outside our control (35).

Nagel gives many more interesting examples of each of these types of moral luck, but I will not discuss them here. There is one thing we must note, however: although Nagel focuses on rather dramatic examples like the ones above, we should not take this to imply that moral luck does not bear on everyday actions and moral evaluations; it is very easy to come up with examples of moral luck (of any of the four types) in common life.

Both Nagel and Williams take seriously the possibility that moral luck could have devastating consequences for the coherence of our basic moral conceptions (Nagel 37-38, Williams 39). It is therefore not surprising that some have tried to
argue that moral luck does not really exist, or at least that its existence does not threaten the coherence of morality. I will now consider two arguments for this claim, the first by Judith Andre and the second by Norvin Richards.

In one of her arguments, Andre concedes that the justification of certain actions and the moral status of persons can partially depend on luck, but rejects the implication that that renders our moral scheme incoherent. That is because, she argues, our moral scheme is not purely Kantian—that is, we do not claim to evaluate people only on the basis of what is under their control. Importantly, being moral, most of us think, involves desiring to do the right thing, not just doing it. (As I said earlier, this is in many ways a matter of constitutive luck.) This Aristotelian element in our moral views serves an important purpose, according to Andre: to call someone morally good in this sense is to say that she has an excellent character, one worth emulating. On the other hand, Andre argues, to call someone moral in the “Christian-Kantian” sense is to say that she deserves praise. Of course, the fact that our moral scheme includes both Kantian and Aristotelian elements does not mean that we will have different words corresponding to each element. Rather, Andre says, most of our moral language performs “hybrid” functions (204-5).

That our moral scheme includes an Aristotelian element, according to Andre, shows how luck can influence moral evaluation without rendering morality incoherent. That is because the Aristotelian sense of moral evaluation, unlike the Kantian, does not limit its scope to voluntary actions. While moral luck may present serious problems for the Kantian, it does not for (most of) us, because our moral scheme is not purely Kantian (205).
How convincing is Andre’s argument? Certainly she is right that our moral scheme involves both Aristotelian and Kantian elements, and for that reason moral luck poses less of a problem for us than Nagel suggests. Indeed, one of Williams’ main points in his essay was that moral luck poses a special problem for the Kantian attempt to make morality immune to luck (21-22). (In fact, he explicitly agrees with Andre in his postscript that an Aristotelian moral scheme would not face similar problems.) But Andre’s point cannot be of much comfort to us unless we share Williams’ view that Kantianism should be rejected, and certainly Nagel does not. That the Aristotelian element can allow us to embrace (some) moral luck will not be much comfort to those who see that element as unjust in the first place. And the Kantian’s reasons for seeing Aristotelianism as unjust are by no means shallow; it seems unfair that moral value should be apportioned on the basis of factors that are outside of people’s control. (It is especially unfair if Kant is right that only moral goodness is unconditionally valuable.) Acknowledging that our moral scheme is hybrid in this sense therefore does not as much solve the problem as it does push it elsewhere.¹

However, even if we do not find the Kantian-Aristotelian hybrid moral scheme unsettling, it is still unclear how Andre’s proposed solution is supposed to resolve some central cases of moral luck. After distinguishing the Kantian and Aristotelian senses of moral appraisal, she claims to “apply” this distinction to make sense of a classic “luck in consequences” case: the differing moral evaluations of the

¹ Richards makes a similar point. He says that Andre’s point that our practice has both Kantian and Aristotelian elements “at most...explains why our practice is paradoxical in the way Nagel claims it is.”
reckless driver who kills a pedestrian and the reckless driver who harms nobody (205). Quite rightly, she says that the moral culpability of these two drivers cannot differ if we are using the Kantian sense of ‘moral culpability’; the aspects of the actions under the drivers’ control (the driving) are exactly the same (205-6). But the Aristotelian sense of moral responsibility seems to yield the same result, since (we may suppose) these two drivers are identical in character. The only difference between the two cases is whether a pedestrian happened to be on the sidewalk. It is not surprising, therefore, that to deal with this case Andre does not contrast the Kantian sense of moral responsibility with the Aristotelian, even though that was the distinction she claimed earlier to be applying. Rather, she contrasts it with moral responsibility in the sense of having “an obligation to rectify bad consequences” (205). The reckless driver who killed the pedestrian is obligated to compensate the victim in some way. But having this obligation is of course not the same as having a deficient character. We think not only that the reckless driver who kills someone has obligations to repair what he did, but also that he is worse for what he did. And, again, the Aristotelian sense of moral evaluation cannot explain why that is true. So recognizing the hybrid character of our moral scheme does not give us a way of accepting the existence of moral luck in consequences.²

I will now move on to Norvin Richards’ argument.³ Richards agrees with Nagel that our assessment of people’s actions and characters is pervasively subject

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² But, as Andre claims, it does give us a straightforward way of dealing with constitutive moral luck.
³ In her short paper, Andre also offers a brief second argument that in many ways resembles Richards’ more fleshed out argument. Most of what I say in response to Richards will also apply to Andre’s second argument.
to factors that are beyond their control. However, Richards denies that this fact about our moral practice implies that factors outside of an agent’s voluntary control can influence her *actual* moral status. As he puts it, luck cannot bear on what a person truly *deserves*, even if it affects how we evaluate her (199). This means that we do not generally apportion praise and blame in accordance with actual moral desert.

This may seem, at first, a disturbing consequence, since it seems to imply that we are systematically wrong in judging people as we do. Richards, however, does not think that. Rather, he thinks that we are entitled to blame or praise agents even when they do not actually deserve those responses. That is because of the vast limitations of our epistemic position with regard to agents’ actual moral desert. As he puts it, “criticism [of the agent] should reflect not a pretended omniscience but one’s actual grasp of what has been done” (199). The people who Nagel would call “morally unlucky” are unlucky only in the sense that the information we have about their actions either makes very clear that they deserve to be criticized (if they *actually* deserve that) or makes it seem that they deserve criticism even though they do not. But their actual moral desert remains unaffected by luck (199).

Richards applies this argument to canonical examples of each kind of moral luck (except for determinism, which, understandably, he brackets). Here I will just mention one of his examples in order to clarify his argument. Take again the example of the reckless driver. If such a driver hits someone, it becomes totally evident that he was not paying enough attention, or that he was going far too fast to react in time, or whatever. There is no question of the extent of his recklessness,
because it has resulted in a death. In the case of the reckless driver who causes no harm, on the other hand, we cannot say confidently what would have happened had there been a pedestrian at the crosswalk. These two drivers are equally deserving of criticism, but the effects of their behavior do not make equally clear to us how much criticism they deserve. And because our criticism of them must reflect what we actually know about them, we are justified in responding to the two drivers differently (201-2). Richards has much more to say about many of Nagel's cases, but the above example captures at least the basic thrust of his argument. I will now argue that his strategy fails.

First, recall that, according to Richards, we are justified in treating the reckless driver who causes no harm and his counterpart differently because in the two cases it is not equally clear what the drivers deserve. This commits Richards to the view that if we did know that the lucky reckless driver would have caused harm, then we ought to criticize him just as much. But that, it seems, does not accurately describe our attitudes toward the driver. Even if we know that he would have killed a pedestrian had there been one at the crosswalk, we do not criticize him as though he actually killed someone. To uphold the claim that the two reckless drivers are morally identical, therefore, Richards must claim that this tendency of ours is misguided. In response, I will risk the further claim that we could not possibly adjust our reactive attitudes to be the same for both drivers.4

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4 Nagel cites Adam Smith in defense of a similar claim: “But how well soever we may seem to be persuaded of the truth of this equitable maxim [that the actual consequences of an action should not influence our assessment of the agent], when we consider it after this manner, in abstract, yet when we come to particular cases, the actual consequences which happen to proceed from any action, have a very
But there is a deeper problem with Richards’ strategy. As we have seen, his argument relies on a distinction between what an agent actually deserves and what we are justified in criticizing or praising him for. But then what is the point of having a concept of moral desert? What does it refer to, if not the appropriateness of moral praise or blame? Both Richards and Andre suggest that one’s actual moral status could only be determined by an omniscient and impartial judge (Richards 199, Andre 204). But, if we are operating outside of a religious tradition (as contemporary analytic ethics claims to), what use is this idea of an omniscient and impartial judge? Andre suggests that even an atheist can consider what such a judge would think; perhaps this could give us an ideal to try to approximate in our judgments. But I am unsure that this ideal would be of much use; Williams is persuasive (in his postscript) that the very idea of a judge like this is unintelligible.

However, even if it were intelligible, not a single moral judgment could possibly live up to that standard, since, in comparison with an omniscient God, our epistemic situation is abysmal. We would be led to the conclusion that we can never really know anyone else’s true moral status or desert. (Andre points to the colloquial phrase, “Only God can know her” (204).) Perhaps Richards would reply that we do not need to, since, given our epistemic limitations, we are justified in making moral judgments even when we lack knowledge of true desert. But would this not result in a kind of moral doublethink—both continuing to judge and knowing that one’s judgments are systematically false? The only ways out of this uncomfortable situation, it seems to me, would be either to suspend judgment totally or never to
great effect upon our sentiments concerning its merit or demerit, and almost always either enhance or diminish our sense of both” (32).
think about people’s *actual* moral desert at all. Either consequence is unacceptable; the first makes an absurd psychological demand, and the second renders the concept of moral desert pointless.

Moral luck presents a puzzle for our moral scheme, at least insofar as we are committed to the Kantian idea of restricting moral evaluation to voluntary actions. I have argued against Andre that recognizing the Aristotelian element in our moral practices does not ultimately resolve the issue. Richards’ strategy of distinguishing between a person’s actual moral status and the appropriateness of praising or blaming her, I have argued, has unacceptable consequences. Nagel and Williams are right to claim that moral luck poses a real problem for morality. The question worth investigating, as they both insist, is how deep a problem it is.
Works Cited


