

Handout #7: Moral Luck: Nagel and Rosebury

1. The Problem of Moral Luck

“People should not be morally assessed for what is not their fault, or for what is due to factors beyond their control.”

The Common Sense View: That someone had no control over the occurrence of a bad action or the existence of a bad attribute *excuses* him for performing that action of possessing that attribute in the following sense: We would ordinarily take ourselves to be justified in delivering a negative moral assessment of someone’s having the attribute or performing the action in question. But if we learn the agent had no control over the attribute’s existence or the action’s occurrence, we no longer think the negative assessment justified.

Question 1: Is this really a commonly held view?

Question 2: What is a “moral assessment”?

Nagel’s answer: It is to be distinguished from the evaluation of something as a good or bad thing or state of affairs.

Nagel’s examples of the kind of moral assessment that we think should not take as its objects things that are beyond the control of the agent being assessed: (a) **Blame:** blaming someone for having the attribute or performing the action; (b) **Character judgments:** inferring that someone is bad (or vicious) from one’s knowledge of something bad that he has done or one’s knowledge that he has some bad attribute.

And yet, it is commonplace for luck or factors beyond an agent’s control to **actually affect** our judgments of his character and the level of blame we direct toward his actions.

The Common Practice: We commonly praise X for a good action or attribute A and fail to praise (or even blame) Y for a bad action or attribute B even though X’s performance or possession of A and Y’s performance or possession of B differ only in regard to features beyond the control of X and Y.

Nagel’s Initial Example: X saves someone from the 12th story of a burning building. Y drops someone from the 12th story of a burning building, But the only difference between X’s action and Y’s action concerns something like the strength of the stitching on the entrapped man’s shirt. We praise X for saving someone, but we do not praise Y for trying and failing to save someone. (Or if we do praise Y for making the attempt, we do not praise him to the same extent that we praise X).

Question: Is this true “in the field” because we assume that the cases differ in regard to some factor over which X and/or Y had control? Or does the difference in praise (or judgments of praiseworthiness) remain even if it is made salient that there is no such difference between X and Y?

The Superficial Problem of Moral Luck consists in the purported fact that The Common Sense View is generally endorsed and it **conflicts with** The Common Practice, which is also sufficiently widespread. We think differing levels of praise and blame should only be affected by differences people can control, but we do not obey this norm when we actually praise and blame people.

The superficial problem of moral luck just points to a conflict between our evaluative practices and our general views about how blame is appropriately distributed. As Adam Smith says, “Scarcely, in any one instance, perhaps, will our sentiments be found, after examination, to be entirely regulated by this rule, which we all acknowledge ought to regulate them.”

But there is a more skeptical view that Nagel considers.

The Deeper Problem of Moral Luck: We think on initial reflection that we ought to side with the Common Sense View over our Common Practices. For instance, we should stop distributing unequal measures of blame to people who acted identically with respect to things that were under their control. But when we think more carefully about what this would entail, we discover it would undermine the entire practice of moral judgment. We would feel compelled to stop praising or blaming altogether.

Question: Does Nagel have a good argument for these claims?

2. Varieties of Moral Luck

(1) **Constitutive Luck:** Differences in inclination, temperament and capacities that are neither themselves under the agents’ control nor the result of things that were.

Nagel allows that people make decisions that influence their future characters, and he allows that a greedy, cowardly or envious person can, through a perhaps monumental act of will control his vices and in so doing prevent his impulse to hoard money, or run from danger, or covet another’s achievements guide his actions. But he still thinks we still blame or negatively assess such people for having the vices that issue in these impulses.

Question: Is this true? Rosebury argues that it is not (pp. 509-12 of “Moral Responsibility and ‘Moral Luck’”). Assess Rosebury’s argument.

(2) Luck in Circumstances: Differences in aspects of the environment in which the agents find themselves that are neither themselves under the agents' control nor the result of things that were.

An example: S is raised by anti-semites to be an anti-semite. His anti-semitism grows as Hitler comes to power. He subsequently serves as a guard in a concentration camp in Poland during WWII and plays a role in the murder of scores of Jews. R is raised by anti-semites to be an anti-semite. He leaves Europe for Argentina after WWI and lives a quiet life there. Though he approves of Hitler's program he plays no role in its execution.

It is reasonable to suppose (and we can build it into the case) that had R not moved to Argentina he would have played as large a role in the Holocaust as did S. And we can suppose that had S moved to Argentina he would have played no role in the Holocaust (i.e. he would have lived a life relevantly similar to R's actual life.)

Observation: S is tried, convicted and scorned for his actions. R is not. (Those who know of his attitudes toward Jews may disapprove of him on this basis, but they don't think of him as a debased murderer.)

Question: Is this pattern of judgments stable upon reflection?

(3) Luck in Consequences: Differences in the effects of agents' actions that are neither themselves under the agents' control nor the result of things that were.

Notice that luck in consequences is probably best thought of as forms of luck in circumstances. For example, two agents may perform the same type of action but, because of the environment or circumstances, one action has a good effect and the other does not.

Example: Two doctors might perform identical surgeries with exactly the same skill where undetectable differences in the patients organs spell success in the one case and failure in the other.

A Revision of Nagel's Example: Driver A fails to check his breaks. He must break hard to avoid a child in the road. The brakes don't fully engage and, as a result, the child dies from being run over. Driver B fails to check his breaks. He must break hard to avoid a child in the road. The brakes don't fully engage, but there is enough distance between the child and the truck for it to stop just before impact.

Observation 1: Were we to encounter driver A in isolation from driver B we would blame A for the child's death. Were we to encounter driver B in isolation from driver A there would be no death or injury to blame him for. Driver A is lucky that this is the case.

Observation 2: Were we to encounter driver A in isolation from driver B we would blame him for failing to have his breaks checked on schedule with a certain degree of

severity D. Were we to encounter driver A in isolation from driver B we would blame him with a degree of severity less than D for failing to check his breaks.


Questions: Are these observations correct? Do they conflict with our general beliefs about how blame ought to be distributed?

Consider Rosebury's diagnosis of the relevantly similar case of the baby left in the filling tub: "Case one is negligence multiplied by disaster, while case two is negligence multiplied by nothing much. The *emotion* we experience in the first case is of an appropriately complex kind, formed both by horror at what has happened and by self-reproach...In the lucky case, a judgment of self-reproach is equally appropriate, but the accompanying emotion, unalloyed with distress at a terrible outcome [indeed, alloyed with relief at its avoidance] can scarcely be comparable in intensity, let alone persistence: even the most vivid imagining of hypothetical disaster does not, except in certain neurotics, keep coming back unbidden as a bad memory of actual disaster does. These psychological facts...merely show that our emotional life is less analytically structured and differentiated than our rational judgments; they do not show that we cannot sustain judgments of our own culpability that are founded on a coherent idea of responsibility for actions...If there is in practice a tendency for fellow citizens to judge the culpability more severely in the event of disaster than in the harmless case, supposing (a significantly unlikely supposition) the latter were to become known, it is in principle correctable by reflection, information, or persuasion " (514).

Question: Is Rosebury right that the difference in blame (if it exists) is both unstable upon reflection and correctable by reflection?

3. Thick Action Individuation

Regarding Observation 1 above: Does driver A **really** do something that driver B does not? We say that driver A killed a child and that driver B did not, but perhaps we here intermingle a correct claim about what each **really did** (say driving after failing to check the breaks) and the differing **consequences** of the two acts (hitting a child in the one but not the other case).

If we reject this line  can we say that we are rational to blame driver A for his act more than we blame driver B for his act because the two did very different things. The one but not the other killed a child. (Note though, that this wouldn't vindicate or show to be rational our blaming A in a harsher or more severe way for failing to check his brakes than we blame B for this.)

Nagel's response: "Perhaps it is true that what is done depends on more than the agent's state of mind or intention. The problem then is, why is it not irrational to base moral assessment on what people do, in this broad sense? It amounts to holding them responsible for the contributions of fate as well as for their own—provided they have made some contribution to begin with" (p. 180).