

Luck and Moral Responsibility*

Michael J. Zimmerman

Considerable attention has recently been given to what has come to be called moral luck. It has been claimed that recognition of this phenomenon imperils the received conception of moral responsibility; some, indeed, have said that this conception must be revised in light of this recognition. The issue may be put in terms of a puzzle that revolves around the following argument:

1. A person P is morally responsible for an event *e*'s occurring only if *e*'s occurring was not a matter of luck.
 2. No event is such that its occurring is not a matter of luck.
- Therefore
3. No event is such that P is morally responsible for its occurring.

The puzzle is supposed to reside in the fact that the premises seem true but the conclusion false. Reaction to the puzzle has been varied. Joel Feinberg, one of the first to pose the puzzle (though not exactly in these terms), seems prepared—at least provisionally—to accept the conclusion.¹ Thomas Nagel thinks that there is a genuine paradox here and seems prepared to accept both premises while denying the conclusion.² Bernard Williams, while arguing forcefully for the truth of the second premise, appears to deny the first, claiming that such denial runs counter to the received conception of moral responsibility.³ Judith Andre likewise denies

* This paper was completed in large part while I was attending an institute on human action funded by the National Endowment for the Humanities and directed by Robert Audi at the University of Nebraska at Lincoln in the summer of 1984. I wish to thank in particular George Agich, Robert Audi, Margaret Urban Coyne, Philip Devine, Eric Russert Kraemer, Peter McInerney, Thomas Moody, and Mark Strasser for helpful comments on an earlier version. I am grateful also for the comments of some anonymous referees.

1. At least, this seems to be the case in Joel Feinberg, *Doing and Deserving* (Princeton, N.J.: Princeton University Press, 1970), pp. 34–37. This is not to say that Feinberg now accepts this conclusion or that his other writings commit him to it.

2. Thomas Nagel, *Mortal Questions* (Cambridge: Cambridge University Press, 1979), pp. 37–38. This is undoubtedly a simplistic and insensitive way of putting Nagel's point, but I am at a loss to understand the final two pages of an otherwise admirably lucid article. Compare the note on p. 30 of Richard B. Brandt, "Blameworthiness and Moral Obligation," in *Essays in Moral Philosophy*, ed. A. I. Melden (Seattle: University of Washington Press, 1958), pp. 3–39.

3. Bernard Williams, *Moral Luck* (Cambridge: Cambridge University Press, 1981), pp. 21 ff., including n. 11 on p. 36. Williams is concerned, not just with moral responsibility, *Ethics* 97 (January 1987): 374–386

© 1987 by The University of Chicago. All rights reserved. 0014-1704/87/9702-0004\$01.00

the first premise but rejects the claim that this runs counter to the received conception of moral responsibility, contending that this conception has Aristotelian as well as Kantian elements and that the former, if not the latter, countenance luck.⁴

In this paper I shall critically evaluate the foregoing argument. I shall present two versions of it and argue that neither version is compelling. These versions will be presented in Section I. In Section II the first version will be criticized. The second version—far more interesting than the first—will be discussed in Sections III–VII.

I

The sort of moral responsibility with which I am concerned here is that familiar, even if elusive, brand of responsibility which is the focal point of discussions concerning freedom and determinism. Such responsibility is commonly thought to have some essential link to freedom of will or action—a link which I have no wish to deny. In this sense of “responsibility,” if someone is responsible for some event, then he is worthy of praise or blame for that event. Such praise and blame are of a particular, inactive sort, consisting in a positive or negative evaluation of the agent in light of the event in question. An agent is worthy of such praise or blame just in case such an evaluation of him would be accurate or true to the facts. Now, just what the precise nature of such praise and blame is, and just what the precise conditions of someone’s being worthy of such praise and blame are, are of course matters which I cannot try to spell out here. Nevertheless, it is very important to note that such praise and blame are *not* actions but merely judgments, judgments about a person’s moral standing or moral worth in light of the event in question. Not being actions, such judgments of praise and blame are not subject to *moral* justification (although, as judgments, they are subject to *epistemic* justification). *Active* praising and blaming—actions which, typically, serve to express, and which thus *presuppose*, judgments of praise and blame—are, of course, subject to moral justification; that is, as actions, they may be morally right or morally wrong. There is thus a great difference between internal judgments of praise and blame and external or overt actions expressive of such judgments. It is solely with the former that I shall be concerned in this paper.⁵

but with morality in general; but I think that his view is not distorted by the present restriction of it. The restriction is important; I wish to allow for the possibility that what is to be said about the relation between luck and the moral responsibility of persons is not to be said about the relation between luck and other aspects of morality (such as the rightness and wrongness of actions).

4. Judith Andre, “Nagel, Williams, and Moral Luck,” *Analysis* 43 (1983): 202–7, throughout, esp. pp. 206–7. Like Williams, Andre’s concern is morality in general but, as with Williams, part of her concern is moral responsibility in particular.

5. The distinction between inactive and active (praise and) blame has affinities with the distinction between “censure” and “reproof” given in Elizabeth L. Beardsley, “A Plea for Deserts,” *American Philosophical Quarterly* 6 (1969): 33–42.

Now what, more exactly, is the issue concerning luck and such responsibility? Nagel sets the scene well:

Whether we succeed or fail in what we try to do nearly always depends to some extent on factors beyond our control. This is true of murder, altruism, revolution, the sacrifice of certain interests for the sake of others—almost any morally important act. What has been done, and what is morally judged, is partly determined by external factors. However jewel-like the good will may be in its own right, there is a morally significant difference between rescuing someone from a burning building and dropping him from a twelfth-storey window while trying to rescue him. Similarly, there is a morally significant difference between reckless driving and manslaughter. But whether a reckless driver hits a pedestrian depends on the presence of the pedestrian at the point where he recklessly passes a red light.⁶

Nagel goes on to distinguish a variety of types of luck. For present purposes, just two types may be distinguished. I shall call these *situational* and *resultant* luck. The former consists in luck with respect to the situations one faces, including the nature of one's character (inclinations, capacities, and so on) as so far formed. The latter consists in luck with respect to what results from one's decisions, actions, and omissions.⁷

Nagel explicitly ties the matter of luck in with the matter of control, and this seems right. Something which occurs as a matter of luck is something which occurs beyond anyone's control.⁸ But we should distinguish two ways in which something may be beyond someone's control. Roughly, one may be said to enjoy *restricted* control with respect to some event just in case one can bring about its occurrence and can also prevent its occurrence. One may be said to enjoy *unrestricted* or *complete* control with respect to some event just in case one enjoys or enjoyed restricted control with respect both to it and to all those events on which its occurrence is contingent. Thus an event may be beyond someone's control either in the sense that it is not in his unrestricted control⁹ or in the stronger sense that it is not even in his restricted control.

We thus arrive at two readings of the argument that constitutes the puzzle. First:

- 1a. P is morally responsible for *e*'s occurring only if P was in restricted control of *e*.

6. Nagel, p. 25.

7. What I call situational luck comprises what in Nagel, p. 28, are called constitutive luck, luck in one's circumstances, and luck in how one is determined by antecedent circumstances. What I call resultant luck corresponds with what Nagel calls luck in the way one's actions and projects turn out.

8. More restrictively: something which occurs as a matter of luck with respect to someone P is something which occurs beyond P's control.

9. Note how tempting it often is to say that one is not "really" or "fully" in control of an event *e* unless one is or was also in control of all those events on which the occurrence of *e* is contingent. Compare Feinberg, p. 35.

- 2a. No event is such that anyone is ever in restricted control of it.
Therefore
- 3. No event is such that P is morally responsible for its occurring.

Second:

- 1b. P is morally responsible for *e*'s occurring only if P was in unrestricted control of *e*.
- 2b. No event is such that anyone is ever in unrestricted control of it.
Therefore
- 3. No event is such that P is morally responsible for its occurring.

But now, it seems to me, the puzzle disappears. I shall argue that neither version of the argument is persuasive. Statement 3 is not forced upon us; nor is our received conception of moral responsibility in need of revision.

II

The first version of the argument is easily dismissed. Both premises are problematic. There is reason to think that 1a is false, when "restricted control" is understood as just outlined.¹⁰ But I shall not dwell on this, for two reasons. First, even if 1a is false, some interesting modification of it (where "restricted control" is understood in a sense different from, but closely related to, that just outlined) may well be true. Second, 2a is plainly false¹¹ (and seems likely to remain so no matter what reasonable construal is given to "restricted control"). For there are many things, it seems, of which I am in restricted control right now. For example: I now enjoy restricted control with respect to my thirst's being quenched (for there is a glass of water nearby).

III

The second version of the argument, while unsound, is more interesting; though easy to dismiss, it yet has undeniable force. And I suspect that it is this version that Feinberg, Williams, Nagel, and others have had in mind. Certainly, 2b seems true; in this sense, it must be admitted, luck (whether situational or resultant) is an ineliminable part of existence. For example, I can now quench my thirst, but this appears to depend (causally) on all sorts of things that are beyond anyone's restricted control, such as: the world having come into existence (a situational matter), the world not ceasing to exist before my throat reacts appropriately to the introduction of water (a resultant matter), and so on.

But even if 2b is true, 1b is surely false (and would remain so on any reasonable interpretation of "restricted control" other than, but closely

10. See Harry G. Frankfurt, "Alternate Possibilities and Moral Responsibility," *Journal of Philosophy* 66 (1969): 829–39; and Michael J. Zimmerman, "Moral Responsibility, Freedom, and Alternate Possibilities," *Pacific Philosophical Quarterly* 63 (1982): 243–54.

11. Unless hard determinism is true—and I am assuming that it is not.

related to, that just outlined), although both Feinberg and Nagel appear at times to accept it. For instance, Feinberg writes: "If he [the champion of moral responsibility] is a rational man, he will admit that moral responsibility for external harm makes no sense and argue that moral responsibility is therefore restricted to the inner world of the mind, where the agent rules supreme and luck has no place. . . . Morals constitute a kind of internal law, governing those inner thoughts and volitions which are completely subject to the agent's control, and administered before the tribunal of conscience—the *forum internum*."¹² (Of course, Feinberg goes on to say, quite rightly, that even the inner domain of one's thoughts and volitions is not immune to luck, in that even it is not under one's complete, i.e., unrestricted, control.) And Nagel writes: "If the condition of control is consistently applied, it threatens to erode most of the moral assessments we find it natural to make. The things for which people are morally judged are determined in more ways than we at first realize by what is beyond their control. And when the seemingly natural requirement of fault or responsibility is applied in light of these facts, it leaves few pre-reflective moral judgments intact. Ultimately, nothing or almost nothing about what a person does seems to be under his control."¹³ And again:

How is it possible to be more or less culpable depending on whether a child gets into the path of one's car, or a bird into the path of one's bullet? 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. . . . If the object of moral judgment is the *person*, then to hold him accountable for what he has done in the broader sense is akin to strict liability, which may have its legal uses but seems irrational as a moral position.¹⁴

Although there is, I think, an important element of truth in all of this, it also seems to me, at bottom, importantly mistaken. After all, *lb* is clearly false, 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. And we all recognize this. Why should anyone think that our received conception of moral responsibility implies otherwise?

What Feinberg and the others have latched on to is an important fact, and that is that we tend, for example, to praise and blame someone for a good or bad decision more than one who did not make the decision,

12. Feinberg, p. 33.

13. Nagel, p. 26.

14. *Ibid.*, p. 31.

even though the one who did not failed to do so only because he was distracted.¹⁵ Similarly, we tend to blame someone who collaborated with the Nazis more than someone who did not, even though the one who did not failed to do so only because he did not have the opportunity to do so.¹⁶ Or again, we tend to praise someone who rescued a child from a burning building more than someone who did not, even though the one who did not failed to do so only because he did not have the opportunity to do so. These differential judgments, based on situational luck, have counterparts based on resultant luck. As Nagel notes, we tend to blame the reckless driver who hits a pedestrian more than the one who, through no merit of his own, avoids doing so; or again, we tend to praise the scientist who finds a cure for the common cold more than his colleague who, though equally dedicated to relieving the suffering of humanity, fails, through no moral fault of his own, to do so.¹⁷ Such differential judgment seems hard to justify.

IV

Indeed, such differential judgment would appear impossible to justify if the following principle were true:

4. If (i) P brought about *e*,
 - (ii) P* would have brought about *e* if *e** had occurred, and
 - (iii) *e** was not in P*'s restricted control,
- then whatever credit or discredit accrues to P for bringing about *e* accrues also to P*.¹⁸

If 4 were true, then, it seems, the Nazi collaborator would be no more blameworthy than the non-, but would-be, collaborator; the rescuer of the child would be no more praiseworthy than the non-, but would-be, rescuer; the successful scientist would be no more praiseworthy than the unsuccessful scientist; the “successful” reckless driver would be no more blameworthy than the “unsuccessful” reckless driver; and so on. And the principle need not be restricted to moral credit and discredit. The case of the two scientists, for example, can easily be recast so that its primary concern is intellectual credit. Similarly, if Arnold deserves athletic credit for hitting a round of 67, then so, it seems, does Arnold*, who would have done the same but for a splitting headache. (Of course, Arnold will win the prize and Arnold* will not, but there seems to be no good reason to attribute a degree of intrinsic athletic excellence, or skill, to Arnold

15. Feinberg, p. 35.

16. See Nagel, p. 34. Nagel says: “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.” If “judge” is understood as “tend to judge,” I would agree. But there is some indication that Nagel means not just “judge” but “ought to judge,” and here I would disagree. See principle 6 below and the commentary on it. Again, cf. Brandt, p. 30n.

17. Nagel, p. 36, n. 11.

18. Recall, with respect to clause iii, that whatever is not in one’s restricted control is ipso facto also not in one’s unrestricted control.

and not to Arnold*.) Or again, if the Sex Pistols deserve musical discredit for the cacophony they produced, then so, it seems, do the Sex Pistols*, who would have done the same but for chancing on the occasional euphonious chord.

Perhaps it is something like 4 that Feinberg and others have in mind, and, indeed, its application to the foregoing cases seems to yield plausible judgments. But, of course, 4 is false; it is too broad, too strong. Let P be Mother Teresa and *e* be the action of succoring cripples in Calcutta; let P* be me and *e** be the event of my acquiring the character of Mother Teresa. It seems plausible to think that, given these conditions, 4 yields the result that I deserve the same credit that accrues to Mother Teresa. Or again, let P be Hitler and *e* be the action of exterminating millions of innocents; let P* be me and *e** be the event of my acquiring the character of Hitler. It seems plausible to think that, given these conditions, 4 yields the result that I deserve the same discredit that accrues to Hitler. These are preposterous results.

Still, we must be careful to point up just what it is that is preposterous about these results. To do this, I shall distinguish roughly between two senses of "character." First, there is one's "given character," that set of dispositions to feel, think, and act to which none of one's actions has contributed (and of which some may be innate). Then there is one's "character as so far formed," which comprises both one's given character and also those dispositions to feel, think, and act (if any) to which one has contributed by virtue of one's actions (and for which, therefore, one may bear some measure of moral responsibility; e.g., I may crave drugs now, but such a craving may well be of my own making in such a manner that I am responsible for it). Now, this is all very rough and is surely not without its problems. Nevertheless, it seems to me appropriate to point out that it is not obviously preposterous to praise (or blame) me as much as Mother Teresa (or Hitler) if I would have done what she (or he) did if only I had had her (or his) *given* character. What is preposterous is to accord me the same credit or discredit if I would have done what they did if, but only if, I had had their character *as so far formed* (insofar as this differs, as it presumably does, from their given character).

Even if 4 is false, there is, I submit, something intuitively appealing about it, and perhaps some modification of it, where its antecedent is restricted by further conditions, is acceptable. But it is very difficult to figure out just what modification this is. One must beware of the trivial. For instance, the necessity of not engaging in differential judgment regarding Arnold and Arnold* would clearly be yielded by a version of 4 whose antecedent included the condition that P and P* possess the same athletic skills; such a version would be uninformative, however. I suspect that any interesting modifications of 4 must be drawn up piecemeal: what is pertinent to athletic (dis)credit may not be pertinent to intellectual, musical, or moral (dis)credit, and so on. Henceforth, I shall concern myself solely with moral (dis)credit.

V

Rather than try to draw up a single version of 4 which pertains to all types of situation concerning the implications of moral luck on the ascription of moral (dis)credit, I shall divide the task into two segments: the drawing up of such a principle first where it is resultant luck that is at issue and then where it is situational luck that is at issue. This task will be facilitated by presupposing a certain rough (*very* rough) picture of action which I cannot seek to defend here.¹⁹ The picture is this: action consists in an agent's making a decision and this decision's causing a certain event. Free action is simply action in which the decision is free. This is a very familiar and surely plausible picture, despite the attempts of Wittgenstein and his followers to ridicule it.

With this rough picture in mind, I propose the following two principles, drawn up in the spirit of 4 but more adequate than it, though doubtless still too rough and problematic. The first pertains to resultant luck:

5. If (i) P made decision *d* in what he believed to be situation *s*,
 (ii) *e* resulted from P's making *d*,
 (iii) *e*'s resulting from P's making *d* was not in P's restricted control (except insofar as P's making *d* was in P's restricted control),
 (iv) P* made the same decision *d* in what he believed to be the same situation *s*,
 (v) *e* did not result from P*'s making *d*, and
 (vi) *e*'s resulting from P*'s making *d* was not in P*'s restricted control (except insofar as P*'s making *d* was in P*'s restricted control),
 then whatever moral credit or discredit accrues to P for bringing about *e* accrues also to P*.

The second principle pertains to situational luck:

6. If (i) P made *d* in what he believed to be *s*,
 (ii) P* would have made *d* if he had been in a situation that he believed to be *s*, and
 (iii) P*'s being in a situation that he believed to be *s* was not in his restricted control,
 then whatever moral credit or discredit accrues to P for making *d* accrues also to P*.

Now, these principles are still vague; but I do not wish to argue for them here, although I do advocate acceptance of them (or of something like them). My purpose, rather, is to highlight an important limitation to 5 and 6, a limitation that they have despite their being expressly designed to neutralize—as, indeed, they do neutralize—the role of luck in the ascription of moral responsibility.

19. It is defended in detail in Michael J. Zimmerman, *An Essay on Human Action* (New York: Peter Lang, 1984).

The point is simply this: 5 and 6, though very powerful in terms of the neutralization of luck, do *not* entail that 1*b* is true. And so we are still not constrained to accept 3, even if we accept 2*b*, 5, and 6. It is extremely important to distinguish the claim, for example, that the collaborator and the noncollaborator are equally to blame from the claim that neither deserves any blame. The latter does not follow from the former without some further premise to the effect either that the collaborator deserves no blame or that the noncollaborator deserves no blame. Nagel, in his talk of strict liability, seems to embrace the claim that the noncollaborator deserves no blame and, from this together with the claim that differential judgment in this case is unjustified, infers that the collaborator also deserves no blame.²⁰ Feinberg seems prepared to accept this conclusion also. But I reject it; for I reject the claim that the noncollaborator deserves no blame. I would argue, on the contrary, that because differential judgment in this case seems unjustified, and because the collaborator deserves blame, therefore the noncollaborator deserves blame also. Analogous remarks pertain to the cases of the rescuer and the nonrescuer, the two scientists, and the two reckless drivers. If there is unfairness in the differential judgments which we commonly tend to make in such cases—as I believe there is and as, according to 5 and 6, there is—then, I believe, this unfairness does *not* consist in ascribing moral responsibility to one of the parties involved but, rather, in not ascribing it to the other.

The question arises, however: what is it that we are to hold the noncollaborator, the nonrescuer, the unsuccessful scientist, and the unsuccessful reckless driver responsible *for*? I shall answer this by stages, dealing first with resultant luck and then with situational luck.

VI

It has been noted that resultant luck is ineliminable. One is never in complete control of the consequences of one's actions and omissions. The successful reckless driver was not in restricted control of the pedestrian's decision to take a walk, and hence not in unrestricted control of the death that resulted from the accident. But I find nothing in this observation to prompt a retraction of any ascription of blame to the driver. *Why* blame the successful reckless driver for the pedestrian's death? Let us suppose that his recklessness is due to drunkenness. Then, we may suppose, he was free not to drink, and hence free not to drive drunkenly, and hence free not to run over the pedestrian. Surely this suffices, *ceteris paribus*, for blaming him for the death.²¹ That is, the death serves as an

20. At the same time, Nagel seems to acknowledge the justifiability of blaming the collaborator. See n. 2 above.

21. The "ceteris paribus" clause is not unproblematic, but I shall not try to fill it in here. It includes such conditions as the driver not being a three-year-old, and so on. Note that if the driver were not free not to drink—if he were an alcoholic, say—there *might* be reason not to blame him for the death. But I am assuming that he is not an alcoholic.

indication that, it is a reflection of the fact that, the driver is to be evaluated negatively on this occasion. Now, of course, if the driver had luckily escaped hitting anyone, there would be no death to serve as an indication that he is to be evaluated negatively; he would not, in other words, be to blame for any death. But there would nevertheless be occasion to evaluate him negatively, and one event which would indicate this would be his *decision* to drink, knowing that he would subsequently drive. He would, in other words, be to blame for this decision, one that he was free not to make. (See clause iv of 5.) This, I submit, is perfectly in keeping with the received conception of moral responsibility.

But someone might object as follows. I have said that the successful driver is to blame for the pedestrian's death, while the unsuccessful one is not. I have said that the unsuccessful one is to blame for his decision to drink and drive. But surely the successful one is also to blame for *his* decision to drink and drive. Thus there is nothing for which the unsuccessful driver is to blame that the successful one is not, but there *is* something for which the successful driver is to blame that the unsuccessful one is not. Hence the successful driver is more to blame than the unsuccessful one after all. In response to this I need only point out the need to distinguish between "P is to blame for more events than P*" and "P is more to blame than P*." The successful driver is to blame for more events than the unsuccessful one—more events serve to indicate that he is to be evaluated negatively on this occasion—but this does not imply that he is to be evaluated negatively to a greater extent than is the unsuccessful driver.²²

Of course, given that the successful driver is no more to blame than the unsuccessful driver, then it must be admitted that, from the point of view of ascribing moral responsibility, it does not matter whether or not the terrible event—the death—comes about as a result of the decision to drink and drive, as long as the decision itself occurs. But, again, this does not imply that the successful driver is not to blame for the death. The death indicates the need for a negative evaluation only indirectly, as it were, while the decision indicates it directly; but an indirect indication

22. Williams's interesting remarks concerning what he calls agent-regret need to be addressed here (see Williams, pp. 27–30). Contrary to what Williams seems to suggest, it is *not* morally appropriate for the successful driver to regret what he has done more than the unsuccessful driver regrets what he has done. (In our world, such unsuccessful drivers are all too ready not to feel the appropriate degree of regret.) At least, this is so for *intrinsic* appropriateness. We can, of course, admit that it can be *extrinsically* morally appropriate for a successful driver to feel a greater degree of regret than an unsuccessful one. Suppose that the successful driver had not been at fault in causing the pedestrian's death. If (in an intrinsically appropriate manner) he had shown no more regret than an unsuccessful driver would have done in similar circumstances, we might be warranted in being suspicious. For it is unlikely that anyone in such a position can turn regret off in a manner which is intrinsically appropriate to the circumstances; and thus the successful driver's showing no regret here would be an indication that he would have shown no regret in circumstances where it was intrinsically called for (cf. Nagel, pp. 28–29).

is still an indication. While the death that results is not itself the occasion of a fresh negative evaluation, it nevertheless reflects the fact that some negative evaluation is called for. Moreover, we may still say that the successful driver did something *wrong* that the unsuccessful driver did not do, namely, run over a pedestrian. For this reason we may accept that Nagel is *correct* in saying that there is something "morally significant" about the difference between reckless driving and manslaughter, while consistently cleaving to 5, that is, while consistently denying that this makes a difference with respect to moral *responsibility*.

VII

Similar remarks pertain to situational luck, although it requires somewhat different treatment. Such luck, again, is ineliminable. One is never in complete control of the situations that one faces, either with respect to "external" matters such as being born, being of a certain physical constitution, being distracted by a loud noise, being in a certain geographical location, and so on, or with respect to "internal" matters such as being irascible, suffering from an Oedipus complex, having a kindly disposition, and so on. And all of these matters affect what one does. It is against them as a background that one makes the decisions that one does; indeed, without such a background, no decisions could be made. Nevertheless, as long as the decision, for example, to collaborate is made freely, then one is surely, *ceteris paribus*, to blame for such collaboration.²³ But, if the noncollaborator is just as much to blame, what is he to blame *for*? Not collaboration, clearly; and in this case there is not even the *decision* to collaborate. In this regard the noncollaborator is significantly different from the unsuccessful driver.²⁴ I am not sure what the answer to the question is. Perhaps we should say simply that the noncollaborator is to blame but just not to blame *for* anything; or perhaps we should say that he is to blame for being such that he would have made the decision to collaborate had he been in a situation that he believed to be *s* (where *s* is the situation that the collaborator believed himself to be in).

If we say the latter, the link that many have claimed to exist between moral responsibility and freedom of will or action becomes quite problematic. Many seem to have supposed that, if *P* is morally responsible for *e*'s occurring, then *e* was either a free action or a consequence of a free action of *P*'s. But the noncollaborator's being such that he would have made the decision to collaborate under the conditions specified was clearly not an action of his and might very well not have been a consequence of an action of his; and, certainly, 6 does not require that this characteristic of the noncollaborator have been either of these things in order for him

23. Again, the "ceteris paribus" clause is not unproblematic. See n. 21 above.

24. Compare Feinberg, p. 35, where Feinberg says (of feelings rather than decisions), "[A person] can no more be responsible for a feeling he did not have than for a death that did not happen."

to be as much to blame as the collaborator. Is there then no essential link between freedom and moral responsibility? This, I think, would be too hasty a conclusion. The link can be restored, albeit in different guise, simply by altering clauses i and ii of 6 so that they read “freely made” instead of just “made” and by adding that P* had the capacity to act freely. I would support such emendation, although I shall not seek to defend it here (just as I have not sought to defend principles such as 4–6 in general), except to point out that it seems manifestly unfair to blame (and so, also, to praise) an object, even an agent, that lacks the capacity to act freely.²⁵

It must of course be acknowledged that there is a further problem with 6, and that is its incorporation of the counterfactual in clause ii. The truth conditions of such counterfactuals are notoriously difficult to determine. This difficulty is due to one of two things: either such counterfactuals have no truth value, or empirical verification of them is very hard to come by. Of course, if the former is ever the case, then 6 is vitiated, or at least its scope is restricted to covering whatever counterfactuals (if any) are of the relevant form and do have a truth value. In such a case, Feinberg and the others are successfully rebutted simply in virtue of this fact, at least with respect to certain instances of situational luck, unless they can find an alternative to 6 that does not suffer from the same problem. But I am dubious whether any of the relevant counterfactuals are in fact without truth value; it seems much safer simply to say that their empirical verification is very hard to come by. After all, one can imagine setting up controlled laboratory conditions in order to test the noncollaborator’s propensity to collaborate and being able to draw a fairly well founded conclusion as to the truth value of the relevant counterfactual.

VIII

In sum, I accept that freedom of decision is crucial to the ascription of moral responsibility and thus to the ascription of praise and blame. Even if we grant Feinberg and the others, as I am prepared to do, that it is unfair to engage in differential judgment in the cases cited earlier, still there is room for praise and blame. Insofar as what happens after one has made a free decision is, in a sense, up to nature, then these events, while perhaps serving as indirect indicators of praise and blame, are strictly dispensable in the assessment of moral responsibility. (Of course, these events might be quite relevant when trying to determine the moral

25. There is another sort of unfairness—not in judgment, but in fact—which seems to me to rest in the fact that an unfree object (whether animate or not) never has the opportunity to distinguish itself (or to disgrace itself) in such a way as to deserve praise (or blame). In this sense, the world is unjust. Compare Joel Feinberg, *Rights, Justice, and the Bounds of Liberty* (Princeton, N.J.: Princeton University Press, 1980), pp. 276–77, n. 7, on a comparative conception of cosmic injustice. Compare also Nagel, pp. 33–34, including n. 9.

justifiability of *active* praise and blame and of the meting out of rewards and punishments, but that is a separate matter entirely.)²⁶ But the decision itself is not at all irrelevant; on the contrary, it is, one might say, the fulcrum of such ascription. And this is true even in those cases where no decision was made (as with the noncollaborator) but where one would have been made but for some stroke of fate or fortune.

Thus my reaction to the puzzle posed at the outset of this paper differs from the reactions of others. In many ways, but not all, my position is a Kantian one, although this is not something that I wish to dwell on. Still, like Kant, I think that our received conception of moral responsibility requires both that the role of luck be neutralized and that it nevertheless be possible for someone to be morally responsible for an event's occurring. These requirements are, I believe, quite consistent with one another.²⁷ And so, unlike Feinberg, I unhesitatingly reject 3. Unlike Nagel, I do not believe both 1 and 2 to be acceptable (unless there is equivocation on "luck"). Unlike Williams, I do not think that any radical revision of our conception of moral responsibility is called for, even though I agree that the proper conception appears not to be a *purely* Kantian one.²⁸ And unlike Andre, I believe that this conception is not essentially Aristotelian, even though not purely Kantian.

26. Compare Nagel, p. 29, where the matters are not kept separate. The matters are related, of course.

27. Still, see n. 25 above.

28. See Bernard Williams, *Problems of the Self* (Cambridge: Cambridge University Press, 1973), p. 228, where Williams accuses Kant of embracing absurdity when he (Kant) talks of a self which is not empirically conditioned. I agree that such talk is highly suspect, but none of what I have said in this paper commits me to such talk.