

Moral Luck

Consider the following pair of cases:

Drunk Driving: You leave the bars very intoxicated. You get into your car and drive home, the whole time swerving, driving up the wrong side of the road, and even going up onto the sidewalk occasionally. Fortunately, you make it home safely and sleep it off.

Drunk Manslaughter: Your roommate leaves the bars very intoxicated. They get into their car and drive home (the same route that you took), the whole time swerving, driving up the wrong side of the road, and even going up onto the sidewalk occasionally. Unfortunately, there is a woman on the sidewalk as s/he drives onto it, whom s/he hits and kills. Your roommate spends the next several years in jail.

Notice that the driver performs **exactly** the same actions in each case. The difference is that, in the Manslaughter case, there just happens to be someone on the sidewalk as the driver goes up onto it. But, this unfortunate factor is something that is completely outside of the driver's control. And because of this, someone dies, and the driver goes to jail. This could have just as easily happened to the driver in Drunk Driving. Compared to the driver in the Drunk Manslaughter case, we say that the driver in Drunk Driving just "got lucky." S/he was lucky that no one was hurt. This is the idea of "moral luck."

Moral Luck: "Moral luck" (or UN-luck) happens in cases where we assess (or DON'T assess) someone morally, even though the action they are being assessed for was outside of their control. For instance, we might make the assessment that the driver in Drunk Manslaughter as a horrible person, morally, while never concluding this about the driver in Drunk Driving. But, then, the driver in Drunk Driving is morally "lucky", while the driver in Drunk Manslaughter is morally "unlucky."

The Problem: Most of us probably have the intuition "*that people should not be morally assessed for what is not their fault, or for what is due to factors beyond their control.*" Nevertheless, we DO in fact punish people for things that are outside of their control (e.g., in Drunk Manslaughter).

Nagel lists four ways that factors might be beyond our control:

- (1) Constitutive Luck: A lot of your inclinations, capacities, abilities, etc. are the products of your DNA and upbringing—i.e., you do not get to pick them. For instance, you might be a fast runner, have a great memory, or be tone-deaf, etc., through no fault of your own—and these traits affect your actions.

- (2) Past Luck: A lot of your opinions, beliefs, and present circumstances are a product of what sort of past you've had. For instance, you might have grown up rich and well-educated, to a very religious family, with no choice in these matters. And these things can heavily influence your present circumstances.
- (3) Circumstantial Luck: The choices you are faced with are often outside of your control. For instance, you might potentially be very brave, but you might never get to display this virtue if you never find yourself in a heroic situation.
- (4) Luck of Success: Sometimes, whether or not our projects or intended actions succeed is outside of our control. For instance, you might point a gun at someone and pull the trigger. But, due to factors outside of your control, the gun jams, your victim escapes, and you are not a killer. (In Nagel's version, a bird just happens to fly by right as you pull the trigger, and the bullet hits the bird instead of your victim)

Let's consider another pair of cases that illustrate moral luck:

Bathtub 1: You are giving your baby a bath, when you realize you left the soap you just bought downstairs. You quickly run to get it, but get distracted. Your favorite show is on television. A half hour later, you remember that you left the baby in the tub upstairs! Running upstairs, you hope that the baby is ok. If something has happened to the baby, you know you will be considered a horrible person. The baby is ok. You are not a horrible person.

Bathtub 2: The same as Bathtub 1, except, when you get upstairs, the baby is floating face down in the water, dead. You are considered a horrible person, and spend the next several years in jail.

Consider what each person is thinking as they run up the stairs. Why is it that, though you do EXACTLY the same thing in both Bathtub 1 and Bathtub 2, you know that you either will be or won't be a horrible person depending on what the result of your action is? Furthermore, why is it just to punish you in Bathtub 2, but not in Bathtub 1?

We Presently (and Unfairly?) Focus on Consequences of Actions: It should be clear by now that it seems unfair to focus merely on the consequences of people's actions when assessing moral rightness or wrongness, praise or blame. Why should a shooter get only a minor punishment just because a bird just HAPPENED to fly in front of his bullet at the moment he pulled the trigger? If the bird hadn't appeared, he would be a murderer! Intuitively, it doesn't seem fair to punish two shooters differently—one who was lucky enough to have a bird take the bullet, and another who wasn't so lucky. But, what can we do to be more fair?

Focus on Intentions Behind Actions? Nagel suggests that we might be able to assess people based on their *intentions*. For instance, in the case where you fire a gun at someone but it jams, or a bird flies in front of it, you would still be culpable of murder, because your *intention* was to murder, even if you didn't succeed. But, there are a number of problems with this suggestion:

- (1) This runs counter to our intuitions. If we punished people based on intentions alone, we'd either have to punish both the drivers in Drunk Driving and Drunk Manslaughter for mere drunk driving, or punish them both for manslaughter. But neither of these options seems desirable to most of us.
- (2) Many of our intentions may in fact be outside of our control as well. For instance, many people struggle against innate vices or bad inclinations. Or, consider our example of the brave person who never finds herself in a heroic situation. The fact that she is never praised for her bravery is due to circumstances outside of her control. So, the problem of moral luck still arises.

Focus on Intentions That We WOULD Have? Perhaps we could fix things by assessing people not only for intentions that they ACTUALLY have, but also for intentions that they WOULD have if placed in various scenarios. In this way, we could, e.g., praise the brave woman for her bravery, even if she never gets a chance to exhibit her bravery. There are problems with this solution as well:

- (1) It seems that it would be impossible to know what intentions a person "would" have in every possible scenario.
- (2) Consider Nazi Germany: Nazis sided with Hitler when placed in the scenario where Hitler came to power. They are blameworthy for committing genocide. But, is it possible that there are many people PRESENTLY alive who would stand behind equally abhorrent causes if placed in just the right circumstances? It's sickening to speculate, but, if the answer is "yes", then we should be punishing many presently innocent people for genocide, rape, murder, etc., even if they have never had the slightest inclination to do any of these things.

Synopsis: It seems like people should not be blamed or punished for things that are outside of our control. But, they often ARE blamed or punished for such things. How do we solve this discrepancy? This is the problem of moral luck.

[Moral Luck & Free Will: Here is another problem. If it turns out that we do not have free will, then EVERYTHING that we do is ultimately outside of our control. In that case, our ENTIRE LIVES are a series of cases of moral luck (or un-luck). But, then, no one should EVER be praised or blamed or morally assessed for anything they ever do. Does this seem right? Is there any room for morality or moral assessment in the absence of free will?]