
Taking Luck Seriously

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TAKING LUCK SERIOUSLY*

Suppose someone were to say to you, “Look, I grant that moral responsibility requires freedom and that freedom requires alternate possibilities. Nonetheless, it’s perfectly possible for someone to be morally responsible even in the absence of alternate possibilities.” You would be mystified. You would, in G. E. Moore’s¹ gentle phrase, “be entitled to laugh at him and to distrust his future statements” about moral responsibility (*ibid.*, p. 13). So, too, if he were to say, “I grant that moral responsibility requires freedom and that freedom is incompatible with causal determinism. Still, it’s perfectly possible for someone to be morally responsible even if determinism is true.”

Well, I do not want you to laugh at me or to distrust my future statements about moral responsibility, and so I shall not ask you to accept either of the foregoing positions. But I shall be urging you to accept something very close to them. As a corollary, I shall also be

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¹ *Principia Ethica* (New York: Cambridge, 1903).

urging you to rethink your stand on several of our current practices, including especially the practice of punishment.

Let me begin by distinguishing judgments about moral responsibility from two other types of judgments with which they are apt to be confused.

I

First, judgments about moral responsibility are distinct from judgments about moral right, wrong, and obligation. Judgments of the latter sort are frequently called *deontic*. There is no standard term to refer to judgments about moral responsibility, and so let me coin one: *hypological*.² Hypological judgments have (primarily) to do with the moral praiseworthiness (or laudability) and blameworthiness (or culpability) of persons; they constitute one type of agent evaluation. Deontic judgments are quite different. It is common to say that deontic judgments constitute a type of act evaluation, but I am not sure that this is correct. We do admittedly say things like “What Joe did was right (wrong, obligatory),” and this seems to constitute an evaluation of Joe’s act. But we also say things like “Joe was right (wrong, obligated) to do what he did,” and this seems to constitute an evaluation of Joe. But, even if in the end we should declare deontic judgments a species of agent evaluation, they are quite different from hypological judgments. It is a commonplace that one can do right (or wrong) without being praiseworthy (or blameworthy). It is less commonly recognized, but nonetheless true (I believe³), that one can be praiseworthy (or blameworthy) without doing right (or wrong).

Second, judgments about moral responsibility are distinct from judgments about moral virtue and vice. Judgments of the latter sort—often called *aretaic*—constitute a type of character evaluation. The relationship between persons and their characters is admittedly complex, and I do not propose to investigate the matter here. But, despite the fact that we often say things like “Joe is quite a character,” I think it is pretty clear that persons should not be said to be characters so much as to *have* characters. Again, though, even if in the end we should declare aretaic judgments a species of agent evaluation, they are quite different from hypological judgments. It is a commonplace that one can have a certain character trait that has no bearing on one’s moral responsibility. It is less commonly recognized,

² I draw this term from the Greek *ὑπόλογος*, meaning “held accountable or liable.”

³ I argue for this in *An Essay on Moral Responsibility* (Totowa, NJ: Rowman and Littlefield, 1988), chapter 3, and in “A Plea for Accuses,” *American Philosophical Quarterly*, xxxiv, 2 (April 1997): 229-43.

but nonetheless true (I believe⁴), that one can be morally responsible for something in a way that has no bearing on one's character.

Even among those who agree that hypothetical judgments are distinct from both deontic and aretaic judgments, there is, however, disagreement about just what such judgments are judgments *of*. There are two closely related views on this which I shall mention here. The first is that to be morally responsible just is to be the appropriate object of one or more of what P. F. Strawson⁵ calls the "reactive attitudes," such as resentment, gratitude, forgiveness, and the like. This view has recently garnered considerable support.⁶ The second view is that to be morally responsible is to be such that there is an "entry" in one's "moral ledger" in light of some fact about oneself; one's "moral record as a person" is affected by this fact.⁷ (In putting matters this way, I do not mean to presuppose either that it is or that it is not possible to arrive at an overall assessment of one's moral worth by somehow aggregating the individual entries in one's ledger.) This is to put the second view only roughly, for a person may have a number of moral ledgers or records; but it can be made more precise by allying it to some degree with the first view. The moral record at issue is precisely that which renders the person the appropriate object of reactive attitudes (and, moreover, liable to more robust reactive measures, such as reward and punishment, that incorporate but extend beyond such attitudes). The difference between the first and second views is that, whereas the former identifies responsibility with susceptibility to certain reactive attitudes, the latter identifies responsibility with that in virtue of which one is susceptible to such attitudes. On the first view, the claim that responsibility is the proper occasion for certain reactive attitudes is analytic; on the second view, this is a substantive claim whose truth can be sensibly disputed.⁸

⁴ I argue for this in *An Essay on Moral Responsibility*, chapter 4, section 4.8.

⁵ "Freedom and Resentment," *Proceedings of the British Academy*, XLVIII (1962): 187-211.

⁶ Cf. R. Jay Wallace, *Responsibility and the Moral Sentiments* (Cambridge: Harvard, 1994); David Copp, "Defending the Principle of Alternate Possibilities: Blameworthiness and Moral Responsibility," *Noûs*, XXXI, 4 (December 1997): 441-56; and John Martin Fischer and Mark Ravizza, *Responsibility and Control: A Theory of Moral Responsibility* (New York: Cambridge, 1998).

⁷ Cf. Joel Feinberg, *Doing and Deserving* (Princeton: University Press, 1970); Jonathan Glover, *Responsibility* (New York: Humanities, 1970); Herbert Morris, *On Guilt and Innocence* (Berkeley: California UP, 1976); and my *An Essay on Moral Responsibility*.

⁸ It can be disputed from both ends. It might be claimed that it is possible to be responsible without being the proper target of any reactive attitudes, and it might be claimed that it is possible to be the proper target of some reactive attitude

Although nothing will turn on this here, it is the second view to which I subscribe and in terms of which I shall couch my thesis. When I say that a person is praiseworthy, I shall mean that her moral record is favorably affected by some fact about herself; when I say that a person is blameworthy, I shall mean that her moral record is adversely affected by some such fact. To praise or blame someone, in this sense, is simply to make a judgment about her moral record, a judgment which may form the basis of, but which is not itself, a "reaction" either in attitude or in some more robust form of behavior toward that person.

It is standardly acknowledged that there are two key components of moral responsibility, one epistemic and the other metaphysical. Here, I shall concentrate on the latter, which has to do with the freedom or control that the agent enjoys.⁹ Almost all writers on the subject have assumed that moral responsibility presupposes some form of freedom or control. There have of course been exceptions. Robert Merrihew Adams,¹⁰ for example, has argued that we are responsible for our sins, whether or not they are voluntary. The graduate of the Hitler *Jugend*, he says, is to be blamed for his beliefs and actions, regardless of whether they are in his control (*ibid.*, p. 19). Similarly, Eugene Schlossberger¹¹ has claimed that moral responsibility is simply a matter of moral evaluability, and there is no requirement that the agent enjoy any measure of control over that for which he is evaluable. One may be properly morally evaluated, Schlossberger says, in light of not just one's actions but also one's beliefs, emotions, and so on, irrespective of whether one is in control of them (*ibid.*, pp. 6ff., 37ff., 101ff.). Thomas Scanlon¹² contends that one is morally respon-

without being responsible. Whether such claims succeed depends on what is meant by 'proper'. We should distinguish between someone's being morally deserving of a certain reaction and its being overall morally justifiable to react to that person in that way. When I talk of "susceptibility" to reactive attitudes, it is the deservingness of such reactions that I mean. I concede that it is possible for such a reaction to be deserved but unjustified (because, say, no one has the proper authority to react in the prescribed manner—see Feinberg, p. 128), and that it is possible for such a reaction to be justified but undeserved (as proponents of strict liability in effect contend). What I deny is that it is possible that someone be morally responsible but not deserving of one of the reactive attitudes, or vice versa. But I shall not seek to defend this claim here.

⁹ Some writers contend that authenticity is a necessary condition of moral responsibility and that it is distinct from both the epistemic component and the control component. See, for example, Ishtiyaque Haji, *Moral Appraisability: Puzzles, Proposals, and Perplexities* (New York: Oxford, 1998), chapters 6-7.

¹⁰ "Involuntary Sins," *Philosophical Review*, xciv, 1 (January 1985): 3-31.

¹¹ *Moral Responsibility and Persons* (Philadelphia: Temple, 1992).

¹² *What We Owe to Each Other* (Cambridge: Harvard, 1998).

sible for having certain attributes, even if one was not in control of coming to possess them, so long as it is appropriate to ask that one defend or disown them (*ibid.*, pp. 274ff.). And others¹³ have made similar claims.

If the view of Adams and others were correct, then the perennial philosophical preoccupation with the relation between freedom and causal determinism would be badly misguided, insofar as it is driven (as it very often is) by a concern with coming to terms with moral responsibility. But I do not think that it is correct. Adams and others are, I believe, quite right to say that not all moral evaluations of or concerning an agent presuppose that the agent is in control of that in light of which the evaluations are made. It is surely correct to say that there can be, as Michael Slote¹⁴ puts it, ethics without free will. Much of virtue ethics, I would say, has nothing whatever to do with freedom or control. But that, of course, does not mean that the sort of moral evaluation that has to do with moral responsibility in particular has nothing to do with freedom or control. For example, while we may justifiably condemn evil wherever we find it, the fact is that it comes in various forms. In a recent, interesting discussion of moral evil, Daniel M. Haybron¹⁵ contrasts the sort of evil embodied by Claggart, the master-at-arms in Herman Melville's *Billy Budd*, with the sort of evil embodied by Dorian Gray in Oscar Wilde's story. He puts the matter well:

The purely evil individual [such as Claggart] is unquestionably vile, but he lacks an important fault: he does not give himself freely to evil, but is delivered to it. Claggart could not help but be a cruel man—that's just the way he is. Dorian Gray's cruelty, on the other hand, is entirely of his own making (*ibid.*, p. 143).

On the assumption that Haybron's observation is accurate, Claggart, though clearly morally evaluable in light of his particular brand of cruelty, is not, I would say, morally responsible for it, whereas this cannot be said of Dorian Gray regarding the cruelty that characterizes him.

¹³ For example, Gary Watson, "Two Faces of Responsibility," *Philosophical Topics*, xxiv, 2 (Fall 1996): 227-48, pp. 233-34. Watson is here discussing that type of moral responsibility that he calls "attributability," which is at least very close to the conception of responsibility that is at issue here. This is also the term that Scanlon uses to refer to the type of responsibility under discussion.

¹⁴ "Ethics without Free Will," *Social Theory and Practice*, xvi, 3 (Fall 1990): 369-83. Cf. my *An Essay on Moral Responsibility*, chapter 4, section 4.9; and Michael Otsuka, "Incompatibilism and the Avoidability of Blame," *Ethics*, cviii, 4 (July 1998): 685-701, pp. 694-95.

¹⁵ "Evil Characters," *American Philosophical Quarterly*, xxxvi, 2 (April 1999): 137-48.

There are complications, of course. We should distinguish between *having* dispositions and *acting* on them, and so too between having control over and being morally responsible for one's dispositions and having control over and being morally responsible for acting on them. Still, at this point, let me just say that I side with the majority who declare freedom or control essential to moral responsibility.¹⁶ Thus the relation between freedom and causal determinism is for me a live issue. What I want to argue here is that a great deal of recent discussion, enlightening though much of it has been, has missed what is crucial about the connection between freedom and responsibility. Once what is crucial has been correctly identified, something strange happens: the connection itself becomes quite tenuous. This, in turn, threatens to undermine many of our common practices—in particular, the practice of punishment.

II

The great bulk of recent discussion of the connection between freedom and moral responsibility has focused on the issue of whether the control required by moral responsibility itself requires that the agent have the option to choose or act in a manner distinct from that in which he does choose and act—the issue, that is, of whether moral responsibility is possible in the absence of alternate possibilities. Harry G. Frankfurt¹⁷ has famously argued that moral responsibility does *not* require alternate possibilities. If correct, this is obviously important, inasmuch as the traditional incompatibilist position is one according to which moral responsibility is incompatible with causal determinism precisely because such responsibility requires alternate possibilities and alternate possibilities are incompatible with causal determinism. There are several¹⁸ who have rejected Frankfurt's argument, and their voice has grown increasingly strong in recent years.

¹⁶ This is not to say that holding someone strictly liable for an offense cannot be morally justified. See footnote 8 above.

¹⁷ "Alternate Possibilities and Moral Responsibility," this JOURNAL, LXVI, 23 (December 4, 1969): 829-39.

¹⁸ For example: David Blumenfeld, "The Principle of Alternate Possibilities," this JOURNAL, LXVIII, 11 (June 1971): 339-45; Peter van Inwagen, *An Essay on Free Will* (New York: Oxford, 1983), pp. 161ff.; Margery Bedford Naylor, "Frankfurt on the Principle of Alternate Possibilities," *Philosophical Studies*, XLVI, 2 (September 1984): 249-58; David Widerker, "Libertarianism and Frankfurt's Attack on the Principle of Alternate Possibilities," *Philosophical Review*, CIV, 2 (April 1995): 247-61; Carl Ginet, "In Defense of the Principle of Alternative Possibilities: Why I Don't Find Frankfurt's Arguments Convincing," *Philosophical Perspectives*, x (1996): 403-17; Robert Kane, *The Significance of Free Will* (New York: Oxford, 1996); Copp; Keith Wyma, "Moral Responsibility and Leeway for Action," *American Philosophical Quarterly*, XXXIV, 1 (January 1997): 57-70; Otsuka; and Scott A. Davison, "Moral Luck and the Flicker of Freedom," *American Philosophical Quarterly*, XXXVI, 3 (July 1999): 241-51.

There are also several¹⁹ who have accepted it. The discussion has been complex and subtle, and I believe much progress has been made. Nonetheless, all parties to the debate have tended to overlook what is crucial to the relation between freedom and moral responsibility.

Why is freedom commonly regarded as important to moral responsibility? The usual answer is simply that we cannot be morally responsible for what is not in our control.²⁰ I believe that this answer is accurate but incomplete. There is a more general point to be made, and that is that the degree to which we are morally responsible cannot be affected by what is not in our control. Put more pithily: luck is irrelevant to moral responsibility.²¹ This is the crucial point at issue. Pursuit of it will show that the question whether freedom requires alternate possibilities, and even the question whether freedom is compatible with causal determinism, paradoxically become considerably less significant than they are frequently taken to be.

The relevance of luck to moral responsibility has been widely debated ever since the publication of the influential pair of papers on moral luck written by Bernard Williams and Thomas Nagel.²² But seldom have the implications of the denial of the relevance of luck to moral responsibility been pursued to their logical conclusion. It is this that I shall undertake here. We can distinguish between two broad types of luck, which I shall call *resultant* and *situational*.²³ The former consists in luck with respect to the results of one's choices and actions; the latter consists in luck with respect to the situations in which one finds oneself. It is the former that is most often discussed, but it is the latter whose implications run deepest and are, as we shall

¹⁹ For example: Fischer, *The Metaphysics of Free Will: An Essay on Control* (Cambridge: Blackwell, 1994); Haji; Alfred Mele and David Robb, "Rescuing Frankfurt-Style Cases," *Philosophical Review*, cvii, 1 (January 1998): 97-112; and David Hunt, "Moral Responsibility and Avoidable Action," *Philosophical Studies*, xcvi, 2 (January 2000): 195-227.

²⁰ As is commonly recognized, the control in question may be merely remote rather than immediate. The standard case of the drunk driver, who was in control of his drinking but is not in control of his driving, establishes this point.

²¹ Clearly, I am here using 'luck' as follows: something that occurs as a matter of luck is something that occurs beyond one's control. I am not using it, as some do (for example, Nicholas Rescher, "Luck," *Proceedings and Addresses of the American Philosophical Association*, lxiv, 3 (November 1990): 5-19), as follows: something that occurs as a matter of luck is something that occurs by chance, that is, something that is such that there is or was some probability of its not occurring.

²² Williams, "Moral Luck," *Proceedings of the Aristotelian Society*, Supplementary Volume L (1976): 115-35; Nagel, "Moral Luck," *Proceedings of the Aristotelian Society*, Supplementary Volume L (1976): 137-51.

²³ These terms were introduced in my "Luck and Moral Responsibility," *Ethics*, xcvi, 2 (January 1987): 374-86.

see, especially subversive of our everyday judgments about moral responsibility.

III

We are all familiar with resultant luck. Examples of it abound in the literature. Here is one. “How is it possible,” Nagel writes, “to be more or less culpable depending on whether...a bird [gets] into the path of one’s bullet” (*op. cit.*, p. 143)? My answer is that this is not possible. Let us compare cases. Suppose that George shot at Henry and killed him. Suppose that Georg shot at Henrik in circumstances which were, to the extent possible, exactly like those of George (by which I mean to include what went on “inside” the protagonists’ heads as well as what happened in the “outside” world), except for the fact that Georg’s bullet was intercepted by a passing bird (a rather large and solid bird) and Henrik escaped injury. Inasmuch as the bird’s flight was not in Georg’s control, the thesis that luck is irrelevant to moral responsibility implies that George and Georg are equally morally responsible. This, I believe, is absolutely correct.

You may have some doubts. “If George and Georg are equally responsible,” you may say, “then, since Georg is not responsible for killing Henrik—the bird luckily got in the way (or unluckily, depending on whose perspective is at issue: Henrik’s, Georg’s, or the bird’s)—it follows that George is not responsible for killing Henry. But that’s absurd. If that were the case, no one would ever be responsible for killing anyone, since success in one’s endeavors always requires the cooperation of factors that are beyond one’s control.”

This objection is based on a misunderstanding. I do not wish to deny that George is responsible for killing Henry (or for Henry’s death—the distinction between actions and their “results”²⁴ seems to me irrelevant here); whether he is so will depend on details of the case (both epistemic and metaphysical) which I have not supplied. And, of course, I concede that Georg is not responsible for killing Henrik (or for Henrik’s death), since Henrik did not die. Thus I am quite willing to grant that George may well be *responsible for more things* than Georg. What I deny is that George is any *more responsible* than Georg. We must distinguish the *degree* of someone’s responsibility from its *scope*. (The term ‘extent’ strikes me as ambiguous between the two.) My claim is that George and Georg bear responsibility to the same degree, despite the fact that George’s responsibility has greater

²⁴ To use a term introduced by Georg Henrik von Wright—who is neither the Georg nor the Henrik of my example—in *Explanation and Understanding* (Ithaca: Cornell, 1971), p. 66.

scope. Let us suppose that George committed murder when he killed Henry and is indeed to blame for doing so. (This requires that George satisfy both some epistemic condition and some condition concerning freedom or control. There is no need for me to specify these conditions further; I invite you to fill in the details as you deem fit.) On the view of responsibility adumbrated earlier, this means that George's moral record as a person is adversely affected in some way in virtue of the fact that he killed Henry as he did. My claim is that, although Henrik survived Georg's attempt to kill him, Georg's moral record as a person is adversely affected in precisely the same way.

"But what," you may ask, "is Georg supposed to be responsible for? In virtue of what is his moral record supposed to be adversely affected?" The answer is simple: he is responsible for his attempt on Henrik's life, just as George is responsible for his attempt on Henry's life. The fact that Georg's attempt was unsuccessful, whereas George's was successful, is irrelevant to the question of how blameworthy they are.

"But that is to trivialize Henry's death," you may protest. No, it is not. Clearly, something terrible happened when George killed Henry, something that has no counterpart in the case of Georg and Henrik. It may even be agreed that George did something morally wrong that Georg did not. But that is a *deontic* judgment.²⁵ My claim is simply that, when it comes to judgments about *responsibility*, more particularly to judgments about *degree* of responsibility, George and Georg are on a par. It is especially important to note that this claim affords Georg no excuse whatsoever. I have said that George is no more to blame than Georg, and that may seem to suggest that George is not particularly blameworthy. But, of course, there is no such implication. I could equally well have said that Georg is no less to blame than George; the passing bird in no way mitigates Georg's blameworthiness.

You may still be uneasy. "Wouldn't it be appropriate," you may ask, "to react more harshly toward George than toward Georg—for instance, to punish him more severely? Doesn't this show that George is more blameworthy than Georg after all?" This is a difficult matter. I have agreed that responsibility is directly correlated, even if it is not identical, with susceptibility to reactive attitudes (and to more robust reactive measures). Given this, it might seem that I am committed to denying that it is appropriate to react more harshly toward George

²⁵ This judgment is based on the actual consequence (or result) of George's action. Someone who takes right and wrong to be a function of foreseeable consequences might reject the judgment.

than toward Georg. And in one sense I am. I am committed to denying that George *deserves* (in virtue of his moral record) a harsher reaction than Georg. But that leaves open the possibility that it would be morally justified to react more harshly toward George than toward Georg for reasons *other* than those having to do with desert (or, more precisely, desert rooted in George's moral record). Perhaps there are good moral reasons to punish murder, such as that committed by George, more severely than a failed attempt at murder, such as that committed by Georg—I am not sure about this; but, if there are, they are grounded in something other than relative degree of responsibility.²⁶

I believe that anyone who takes seriously the view that we cannot be morally responsible for that which is not in our control must acknowledge that George and Georg are equally responsible and thus accept the more general claim that luck is irrelevant to moral responsibility. I recognize that there is a clear sense in which George was in control of Henry's death; he was (we may assume) in control of whether he shot at Henry in the way that he did, and, under the circumstances, shooting at Henry in that way was all that was needed to kill him. He shot at Henry, and Henry consequently died; had he not shot at Henry, Henry would not have died. Nonetheless, it is also true that George controlled Henry's death only to the extent that he controlled his shooting at Henry; the other factors that conspired to produce Henry's death were not in his control at all. In this respect, George was no more in control of what happened to Henry than Georg was in control of what happened to Henrik.²⁷ Just as with responsibility, so too with control: we must distinguish degree from scope. George was *in control of more things* than Georg (his control had greater scope), but he was no *more in control* of what happened than Georg was (he was in control to the same degree). Insofar as degree of responsibility tracks degree of control, George and Georg must be declared equally morally responsible.

Although what I have said about equality of desert already casts some doubt on our current practice of punishment, there is nothing in what I have said so far that impugns the significance of the questions whether freedom requires alternate possibilities and

²⁶ Cf. footnote 8 above.

²⁷ We must therefore accept that, in the pertinent sense of 'control', an agent may have control over something even though that thing would not occur or obtain but for something else over which the agent has no control. Just as Georg's failure to kill Henrik is a matter of luck, so too is George's success in killing Henry. To a certain, indeed a very great, extent, luck is ineliminable from our lives; but that does not mean that we can exercise no control whatsoever.

whether freedom is compatible with causal determinism. If George and Georg are morally responsible for their respective attempts at murder, this is (in part) because they freely committed these attempts. Whether such freedom requires that they could have acted differently seems an important question. Whether such freedom requires causal indeterminism likewise seems an important question. The thesis that resultant luck is irrelevant to moral responsibility does nothing to reduce the urgency of these questions.

IV

But the thesis that situational luck is irrelevant to moral responsibility is a different matter. Once again, this is a type of luck with which we are all familiar. But few²⁸ appear to take it seriously, perhaps because doing so is disturbingly humbling. “There but for the grace of God go I,” we may mutter on occasion, but then we quickly turn away from such a discomfiting thought.

There are two basic varieties of luck regarding the situations in which one finds oneself: the first having to do with one’s *circumstances*, the second with one’s *constitution*. I shall discuss each in turn.

Return to George and Henry and their counterparts, Georg and Henrik. Suppose, as before, that George shot at Henry and killed him. Suppose also, as before, that Georg did not kill Henrik; suppose now, however, that this was not because he took a shot that was intercepted by some unfortunate bird, but rather because he took no shot at all. And suppose that this was because of something quite fortuitous: Georg sneezed just as he was about to shoot, for example; or a truck pulled up in front of Henrik, blocking Georg’s line of fire; or Henrik turned suddenly into a doorway, just as Georg was about to squeeze the trigger. Whereas in the case involving the bird, luck intervened after the shot took place, thereby preventing Henrik’s death, in this sort of case the intervention occurs earlier, before Georg has a chance to act at all. But the cases are united in that, in all of them, Georg would have freely killed Henrik but for some feature of the case over which he had no control. This being so, it seems that we must conclude here, as before, that Georg is as culpable as George. The circumstances that conspired to save Henrik afford Georg no excuse.

Again, you may have some doubts. “Excuse for what?” you may ask. “What is Georg supposed to be responsible for this time? In this sort of case, there isn’t even an attempt on Henrik’s life that you can pin

²⁸ Among philosophers, Feinberg (*op. cit.*), and Nagel (*op. cit.*), are prominent exceptions.

on Georg.” One answer to this question is simply to say that what Georg is responsible for is his being such that he would have freely killed Henrik, given the opportunity. But actually I find this quite dubious. I have said that I subscribe to the view that we cannot be responsible for what is not in our control, and I doubt it should be said that Georg was in control of his being such that he would have freely killed Henrik.²⁹ In my view (which I shall not try to defend here), an agent exercises control directly over his choices (that is, his choosings) and indirectly over the consequences of his choices. In the sort of case under discussion, Georg’s being such that he would have freely killed Henrik is clearly not itself a choice of his; nor is it the consequence of a choice of his. Rather, he would have freely killed Henrik because he *would* have freely chosen to shoot him, had he had the cooperation of certain features of the case; and this is a choice which did *not* occur, precisely because the requisite cooperation was not forthcoming.

I think, therefore, that we should reject the claim that Georg is responsible for being such that he would have freely killed Henrik. And I think that there is nothing else for which Georg might be said to be responsible.³⁰ If so, this sort of case serves to emphasize, in even more dramatic fashion than before, the distinction between degree and scope of responsibility. The degree of Georg’s responsibility remains the same as George’s, but the scope of Georg’s responsibility has dwindled to nothing. Georg is responsible; he is just not responsible *for* anything. He is, as I shall put it, “responsible *tout court*.” Lest

²⁹ This is not to say that it cannot happen that one is in control of such a fact. On the contrary, it can. See footnote 33 below.

³⁰ You might be tempted to say that Georg is responsible for the *intention* to kill someone, and that it is this that renders him relevantly like George. I concede that this is possible, but I submit that it may well not be the case. It frequently happens that we are not in control of the intentions that we form. In such cases, indeed, it is rather misleading to talk of “our forming the intentions”; better would be to talk of “the intentions forming in us.” Moreover, it could of course happen that luck intervenes *prior* to the formation of an intention. (In Feinberg’s original, memorable examples (*op. cit.*, p. 35), sneezes and loud noises intrude at just such a point.)

You might also be tempted to say that Georg is responsible for all the preparatory actions he performed prior to his aborted attempt on Henrik’s life. Again, I concede that this is possible, even likely. But note two points. First, it is not necessary. It is conceivable (barely) that Georg undertook no preparations; it is conceivable (easily) that he undertook preparations for which he is, for one reason or another, not responsible. Second, and more importantly, even if Georg undertook preparations for which he is responsible, this does not exhaust his responsibility. Remember that the cases of George and Georg are being assumed to be, as far as possible, exactly alike, but for the fact that George took a shot and Georg did not. Thus their preparations were the same. George’s responsibility is not limited to his preparations; hence Georg’s is not limited to his, either.

this appear unduly paradoxical, let me hasten to add that it is nonetheless the case that Georg is responsible *in virtue of* something, and this something just is his being such that he would have freely killed Henrik, had he had the cooperation of certain features of the case.³¹ All responsibility, including responsibility *tout court*, is fundamentally relational. It is precisely because George is responsible in virtue of the very same sort of fact (the fact that he would have freely killed someone, had he had the cooperation—as he did—of certain features of the case) in virtue of which Georg is responsible, that George and Georg are responsible to the same degree.

Let me turn now from *circumstantial* to *constitutive* luck,³² from luck having to do with one's *external situation* to luck having to do with one's *internal situation*. Suppose, for instance, that the reason why Georg did not kill Henrik was that he was too timid, or that he had a thick skin and Henrik's insults did not upset him in the way that Henry's insults upset George, or that he was deaf and simply did not hear the insults that Henrik hurled his way. If it is nonetheless true that Georg *would* have freely shot and killed Henrik but for some such feature of the case over which he had no control, then, I contend, he is just as responsible, in virtue of this fact, as George is.³³

³¹ Contrast Copp (pp. 449-50), where being responsible for something and being responsible on the basis of something are identified.

³² I borrow these terms from Nagel.

³³ It is sometimes maintained that taking luck seriously, in the manner that I have advocated, culminates in the view that no one is ever responsible. (See, for example, Michael Moore, *Placing Blame* (New York: Oxford, 1997), pp. 242-43.) As I have just shown, this is not so.

The general principle upon which I have relied in my argument may be put as follows: if (a) someone's being *F* (where *F* designates some complex property comprising both epistemic and metaphysical components) is sufficient for that person's being morally responsible to some degree *x*, then, if (b) it is true of *S* at some time that he or she would be *F* if *p* were true, and (c) *p*'s being true is not in *S*'s control at that time, then (d) *S* is morally responsible to degree *x*. You may think this principle too liberal. Suppose that Dave would have freely performed some heroic act if he had not been drunk at the time and that, by that time, his being drunk was not in his control. Should we really judge him to be as laudable as he would have been had he been sober and acted heroically? I am inclined to think that we should. Suppose that his being drunk was not his fault (the whisky was forced down his throat, as with Cary Grant in *North by Northwest*); then, just as Georg does not escape culpability due to luck, so too Dave should not be thought to "escape" laudability due to luck. Suppose that his being drunk was Dave's fault; then that is certainly part of his moral record, but I do not see why this should preclude his counterfactual heroism's also being part of his moral record. Still, I need not insist on this. If you like, you may qualify clause (d) of the principle I have just given as follows: unless *S* is morally responsible for the fact that (c) *p*'s being true is not in *S*'s control at that time. This would cover all the cases I have presented, since they all implicitly presuppose that Georg is not morally responsible for the fact that he was not in control of the relevant feature that prevented Henrik's death.

V

If what I have just said is true, then I believe the question whether freedom requires alternate possibilities loses a good deal of its significance. This is because even those who deny that freedom requires alternate possibilities will, of course, agree that freedom does not require the *absence* of alternate possibilities. So let us suppose that, when George freely killed Henry, he had the option not to do so. Given that he satisfied whatever epistemic requirement must be met in order to be responsible, everyone will agree that George is responsible for killing Henry.³⁴ What should we say if we were now to suppose that George lacked the option not to kill Henry, due to some Frankfurtian constraint? Some would say that George freely killed Henry anyway; others would say that, if the constraint really did deprive George of any (relevant) alternate possibility, then he did not freely kill Henry after all. Given the assumption that moral responsibility requires freedom, many have understandably thought that it is therefore very important to determine whether the agent does act freely in such a case. But, as I see it, this concern is considerably diluted, if it is agreed that George would have freely killed Henry in the absence of the Frankfurtian constraint. For we should then conclude that, regardless of whether he did freely kill Henry, George is in fact just as responsible as he would have been had he freely killed Henry.

Indeed, in light of this, even the supposedly fundamental question whether freedom is compatible with causal determinism loses much of its force. (It may retain more of its force than the question regarding alternate possibilities, however, insofar as some of those who deny that freedom requires indeterminism do claim that it requires determinism.³⁵) Consider a case of luck that has to do with

You may think that this issue could be circumvented by reformulating clause (c) of the original principle as follows: *p*'s being true is not in *S*'s control at *any* time. Although I believe this revised principle to be true, it is too restrictive for my purposes. For instance, it would not cover the case in which Georg sneezes. Although Georg was not in control of his sneezing at the time he sneezed, there was a time at which he was in control of it. He could have shot and killed himself the day before; that would certainly have inhibited the sneeze.

³⁴ This is somewhat overstated. See footnote 9 above.

³⁵ Cf. R. E. Hobart, "Free Will as Involving Determination and Inconceivable without It," *Mind*, XLIII, 169 (January 1934): 1-27. There are, of course, still others who argue that freedom is impossible, on the grounds that it is compatible with neither determinism nor indeterminism. Cf. Galen Strawson, *Freedom and Belief* (New York: Oxford, 1986); Richard Double, *The Non-Reality of Free Will* (New York: Oxford, 1991).

what may be called *antecedent circumstances*.³⁶ Suppose that Georg had been subjected to some *Clockwork Orange*-type conditioning process that rendered him incapable of killing. (This would seem to count as a case of constitutive as well as circumstantial luck.) If it is nonetheless true that he would have freely killed Henrik, but for this conditioning process over which he had no control, then he is just as responsible as George. Suppose, now, that Georg was not *conditioned* not to kill Henrik but simply that he was *deterministically caused* not to (the chain of causation extending back before Georg's birth, if you wish). Incompatibilists would claim that his not killing Henrik was therefore unfree, whereas compatibilists would deny this. But, as I see it, the significance of this dispute is considerably reduced by the observation that, even if the incompatibilist is right, Georg is still as responsible as George, if he would have freely killed Henrik, had his causal history cooperated.³⁷ My conclusion is that it is perfectly possible for someone to be morally responsible, even if causal determinism is true and even if freedom is incompatible with such determinism. To put it bluntly, it does not matter whether Georg *could* have killed Henrik. What matters is whether he *would* have freely killed him, *if* he had the cooperation of certain features of the case. And I say this even though I take freedom to be crucial to judgments of moral responsibility.

To get clear on just what my proposal is, let us return for a moment to the two positions mentioned at the outset. They can be laid out formally as follows:

- (A) (1) Moral responsibility requires freedom.
- (2) Freedom requires alternate possibilities.
- (3) Moral responsibility does not require alternate possibilities.
- (B) (1) Moral responsibility requires freedom.
- (2) Freedom requires causal indeterminism.
- (3) Moral responsibility does not require causal indeterminism.

In each case, we have an inconsistent triad. To resolve the inconsistency, what I have proposed is this. First, I have conceded that one cannot be morally responsible *for* something unless that thing is or was in one's control, and so in this sense clause (1) of (A) and (B) must be granted.³⁸ If clause (2) should also be granted (a matter

³⁶ Again, the term is Nagel's (*op. cit.*).

³⁷ I concede that, if incompatibilism is true, it is not at all clear just how in practice to assess the truth value of such a counterfactual. But that such a statement can in principle be true seems very plausible.

³⁸ Again, the control may be merely remote; see footnote 20 above. It would, in fact, be consistent with the general spirit of my thesis to allow an exception to the claim that moral responsibility for something requires control over that thing.

about which I have been noncommittal; note that it is possible that clause (2) should be granted in one case but not the other), then of course clause (3) must be rejected. But I have argued, further, that one can be morally responsible *tout court*, that is, responsible without being responsible *for* something, and that, on this understanding, clause (1) of (A) and (B) should be rejected. Thus, even if clause (2) should in each case be granted, clause (3) may (and, I believe, should) also be accepted. That is precisely what reduces the significance of the question whether clause (2) is true.

At this point I should say something to forestall certain possible misunderstandings.

First, do not be misled by what I have just said into thinking that I am invoking two types of moral responsibility here. On the contrary, there is just one type. George and Georg are to be morally evaluated in exactly the same way, even though George is responsible for something that Georg is not. They are equally responsible; if George is deserving of a particular reaction, then Georg is deserving of the very same reaction. This indicates that whether there is something *for* which one is responsible is immaterial; all that matters, fundamentally, is whether one *is* responsible. Degree of responsibility counts for everything, scope for nothing, when it comes to such moral evaluation of agents. Thus my concession just now that clause (3) of (A) and (B) may have to be rejected, if one's concern is with the possibility of one's being responsible *for* something, is of small moment. What matters, at bottom, is that clause (3) may and, I believe, should be accepted, if one's concern is with responsibility *tout court*.³⁹

Suppose that some event occurs over which an agent lacks control but which is such that he would have freely brought it about had he had the opportunity to do so. In such a case, I suppose we could say not only that the agent (given that he satisfies whatever epistemic condition is necessary for responsibility) is responsible in virtue of being such that he would have freely brought the event about, but also that he is responsible for this event. But although we could say this, I see no advantage to doing so and one disadvantage: it is messy.

³⁹ In "A Second Paradox concerning Responsibility and Luck," *Metaphilosophy*, xxvi, 1 and 2 (January and April 1995): 81-96, John Greco draws a distinction between what he calls moral responsibility and moral worth that closely resembles the distinction I have drawn between responsibility for something and responsibility *tout court* (p. 91). His discussion suggests, however, that he takes there to be two fundamentally different sorts of evaluation at issue in this context, whereas I have denied this. (Indeed, he seems to be thinking of moral worth—the sort of moral worth that concerns him—along aretaic rather than hypological lines.) Moreover, Greco nowhere indicates that he agrees with me that responsibility for something is immaterial, in the sense just explained. (A distant ancestor of Greco's paper bore the title "Taking Luck Seriously," which I have happily pilfered.)

Second, do not be misled by my claim that clause (1) of (A) and (B) is to be rejected (given that one's concern is with responsibility *tout court*) into thinking that I am reverting to the position of Adams and others mentioned above, to the effect that freedom is irrelevant to moral responsibility. On the contrary, I want to insist that it is pivotal, in that the degree to which we are morally responsible cannot be affected by what is not in our control. It is this crucial fact which renders luck, not freedom, irrelevant to responsibility. Granted, my view implies that Claggart might after all be as responsible as Dorian Gray; this would be true if Claggart would have freely given himself to evil, as Gray did, had he had the opportunity to do so. In saying this, however, I am not collapsing the distinction between aretaic judgments and hypological judgments upon which I insisted earlier. That distinction remains. I am saying that, in addition to the sort of aretaic judgment that is appropriate to Claggart (but not to Gray) in light of his particular type of moral depravity, it may be that a certain judgment about moral responsibility is equally appropriate to both.⁴⁰

In saying this, I am invoking the view (which I attributed above to Slote, and with which Haybron clearly concurs in his discussion of Claggart) that some types of moral judgments, in particular certain judgments about moral virtue and vice, do not presuppose that we enjoy freedom of will. A sadist is evil, I would say, even if he cannot control either having or acting on his sadistic impulses. Naturally, this may be resisted. Such a person, it might be objected, is no more evil than a "vicious" dog (the quotation marks constituting an acknowledgment that a dog, of course, cannot really have a vice, let alone a moral one), precisely because he shares the inability to control his viciousness. But while we should surely agree that a vicious dog is not evil, there are possible explanations of this which do not appeal to its lack of control over its having or acting on its vicious impulses. One explanation is that a dog is not the sort of creature that typically has such control, whereas a sadist is. Perhaps this has some merit, but to my mind a better explanation is that a dog lacks the capacity to reflect on its behavior in moral (or morally relevant) terms, whereas a sadist typically does not.

Suppose I am wrong about this. Suppose that luck is as irrelevant to aretaic as to hypological judgments. Suppose, further, that nothing else serves to distinguish judgments about virtue and vice from judg-

⁴⁰ Or it may not. It may be that, had he, like Gray, had the opportunity to choose whether to embrace cruelty, Claggart, unlike Gray, would have freely chosen not to.

ments about responsibility *tout court*.⁴¹ In this case, my argument implies that hypological judgments do after all collapse into aretaic judgments. Although I reject this conclusion, it would still be significant, relying as it does on the central idea that, when it comes to judgments about moral responsibility, it is at bottom only responsibility *tout court* that matters; judgments about responsibility *for* something are essentially otiose.

A final possible source of misunderstanding is my use of the term ‘responsibility *tout court*’. It is intended to drive home the idea that we can be responsible without being responsible for anything. But, as I said earlier, it is not intended to suggest that responsibility can be nonrelational. In every case, Georg is responsible in virtue of some fact—the very same kind of fact in virtue of which George is responsible—even if in some of these cases (the ones involving situational luck) George is responsible for something while Georg is not. Nor should the term ‘responsibility *tout court*’ be thought to suggest that there is just one way in which an agent is responsible on any given occasion. On the contrary, since an indefinite number of counterfactuals about what one would do, if one were differently situated, can be true at once, one can be morally responsible *tout court*—both positively and negatively—to an indefinite number of degrees at once.⁴² The view that I propose thus opens up the floodgates, as it were, when it comes to ascriptions of responsibility—of laudability as well as culpability.⁴³ The consequent profusion of ascriptions has profound practical implications, as I shall now briefly explain.

If, as I have urged, the truth of hypological judgments turns not just on what we actually freely do but, more deeply, on what we would counterfactually freely do, then the differences between individuals regarding the hypological judgments that are appropriate to them

⁴¹ I think this must be false. Virtues and vices are characteristics that are deeply entrenched and enduring. Being such that one would freely act in a certain way, given the opportunity, need not reflect or constitute any such characteristic.

⁴² In “The Indeterminacy Paradox: Character Evaluations and Human Psychology” (unpublished), Peter B. M. Vranas argues for a similar view concerning aretaic judgments.

⁴³ This observation may take some of the sting out of the following complaint. Suppose that what accounted for Georg’s not shooting Henrik was not a fortuitous sneeze but a sudden, unbidden crisis of conscience, over which he had no control and in the absence of which he would have freely shot Henrik. My view implies that Georg is just as culpable as George. Is this not too harsh? I do not think so. Note that my view also allows for the possibility that Georg is laudable, in virtue of being such that he would have (and did) freely *not* shot Henrik, given his crisis of conscience. (Perhaps, however, George is just as laudable as Georg in this regard, in that it might be that he too would have freely not shot Henry, had he been visited by an unbidden crisis of conscience.)

threaten to dissolve. (To what extent differences may still remain can only be a matter of speculation, depending on a number of issues that cannot be broached here.) For example, it may well be that not only Georg but most or even all of us would have freely acted as George did, were it not for some feature of our situation over which we lacked control. If so, we are, in virtue of this fact, deserving of the same reaction as George; if he deserves punishment, *then so do we*. By the same token, if George would have freely led the same sort of upright life as the lives that you and I lead, were it not for some feature of his situation over which he lacked control, then he is deserving of the same reaction as we; if we deserve to be rewarded (or at least not to be punished), *then so does he*. This casts considerable doubt on the propriety of our current practices, especially the practice of punishment. My point is *not* that no one can be culpable or deserving of punishment. Rather, it is that those whom we actually punish are likely to be no more deserving of punishment than many of those whom we do not punish and also likely to be as deserving of reward (or at least of nonpunishment) as many of those whom we reward (or refrain from punishing). Insofar as our current practices are based on judgments about what people deserve in light of the responsibility they bear, they radically distort the truth and are deeply discriminatory.

VI

My argument here depends crucially on the claim that Georg would have freely killed Henrik, had certain features of the case cooperated. There are several reasons that may be given for denying this claim and, hence, for rejecting the argument.

One reason is this: we are never justified in making such a claim, at least when the antecedent is not satisfied. Even if it is true that Georg would have freely killed Henrik, if certain features of the case had cooperated, we cannot know this if such cooperation was, in fact, not forthcoming.

In response, let me grant that it is often likely to be true that we do not and cannot know such a thing, but I do not see why it should always be true. Suppose that Georg, stung by Henrik's insults, had plotted long and hard for revenge, that he had repeatedly voiced his desire to see Henrik dead, that the day had come to put his plan into action, that he had positioned himself in the appropriate place at the appropriate time, that he had raised his gun and was on the brink of shooting point-blank at an unprotected Henrik—and that he was interrupted by a sneeze at the crucial moment. And suppose that I was at his side every step of the way, witnessing all that took place.

Under such conditions, I think I would be justified in claiming that Georg would have freely killed Henrik, had he not sneezed when he did. But even if I am mistaken about this, my thesis here is unaffected; for this thesis depends, not on our knowing whether counterfactuals of this sort are true, but simply on their being true.

A second reason for doubting my thesis is this: such counterfactuals are never known to be true precisely because they never are true. But why think this? One answer would simply be that counterfactuals generally have no truth value. I shall not try to respond to this; I simply assume here that certain counterfactuals are true and that some account of them, perhaps along something like the well-known lines supplied by David Lewis,⁴⁴ is correct. Another answer is that, even though counterfactuals do generally have a truth value, counterfactuals of the sort at issue here, that have to do with free action in particular, are never true. Let me say something briefly about this.

It must be granted that it is possible that the sort of counterfactuals that are at issue here are never true. For example, even if we must accept the truth of the claim that, if certain features of the case had cooperated, it would have been the case that Georg either did or did not freely kill Henrik, it remains perfectly possible that it is not true either that, if there had been such cooperation, it would have been the case that Georg did freely kill Henrik, or that, if there had been such cooperation, it would have been the case that Georg did not freely kill Henrik (*ibid.*, pp. 16ff.). Perhaps this sort of thing sometimes happens; if it does, it will of course block the ascription of responsibility *tout court* to the agent. But although this may happen on occasion, why think that it is always actually the case?

It has been argued that, in fact, this must always be the case, if freedom is, as the libertarian conceives of it, incompatible with causal determinism. This argument is usually given in the context of a

⁴⁴ *Counterfactuals* (Cambridge: Harvard, 1973). (Like Lewis (pp. 3-4), I am using the term 'counterfactual' broadly to cover even those cases in which the antecedent of such a statement is true.) A variation on the present misgiving is that counterfactuals are true only if a certain context of utterance is presupposed. I am not sure whether this is so; but, if it is, so be it. In that case, an ascription of responsibility will be accurate just in case it is grounded in a relevant counterfactual that is true in some context of utterance. Might it not happen that such a counterfactual is true in one context but not in another, so that the former context warrants an ascription of responsibility that the latter does not? I assume so. This would not affect the accuracy of the ascription associated with the former context. Might it not happen that the latter context warrants a *different* ascription of responsibility? Perhaps. But, again, this would not affect the accuracy of either ascription. Remember that multiple hypothetical judgments about one and the same agent in one and the same situation may all be accurate.

discussion whether divine foreknowledge is compatible with such freedom. Alvin Plantinga⁴⁵ has asserted that counterfactuals concerning such freedom can be, and often are, true (*ibid.*, pp. 173ff.). Adams and others⁴⁶ have argued to the contrary, on the grounds that counterfactuals require a necessary connection between antecedent and consequent, and that this conflicts with the libertarian view that freedom requires the absence of any such necessitation. This is a difficult matter which I cannot try to resolve here. Let me simply note the following. First, if freedom is compatible with causal determinism, then, even if Adams and others are correct, the argument that Georg is as responsible as George in all the various scenarios we have discussed is entirely unaffected. Second, if freedom is incompatible with causal determinism, then, even if Adams and others are correct (which is disputable), the argument, though admittedly affected, is not undercut nearly as drastically as it might at first appear. This is because, as Adams and others are ready to agree, even if it must be false that Georg would have freely killed Henrik, had he had the cooperation of certain features of the case which was, in fact, not forthcoming, it can nonetheless be true that Georg would probably have freely killed Henrik, had such cooperation been forthcoming, for as high a degree of probability as you like (short of certainty).⁴⁷ This may not satisfy the defender of the view that divine foreknowledge is compatible with libertarian freedom, insofar as God is supposed to be essentially infallible, but it suffices to show that Georg's blamelessness is by no means guaranteed. Suppose that there is a probability of .99 that Georg would have freely killed Henrik, had he not sneezed. Then one of two things follows: either Georg is 99% as responsible as George, or there is a 99% chance that Georg is as responsible as George. It is not clear to me which we should say, although I lean toward the latter.⁴⁸ In either case, Georg clearly

⁴⁵ *The Nature of Necessity* (New York: Oxford, 1974).

⁴⁶ Adams, "Middle Knowledge and the Problem of Evil," *American Philosophical Quarterly*, xiv, 2 (April 1977): 109-17; Peter van Inwagen, "Against Middle Knowledge," *Midwest Studies in Philosophy*, xxi (1997): 225-36; and Joshua Hoffman and Gary Rosenkrantz, *Exploring the Divine Attributes* (Malden, MA: Blackwell, 2002), chapter 6.

⁴⁷ Cf. Adams, "Middle Knowledge and the Problem of Evil," p. 111; van Inwagen, p. 231.

⁴⁸ Suppose that there are two mounds of some white substance on the table in front of you. There is a probability of 1 that the first is composed of sugar; there is a probability of .99 that the second is composed of sugar and a probability of .01 that it is composed of salt. We would say, not that the second is 99% as sweet as the first, but that there is a 99% chance that the second is as sweet as the first.

cannot count on having a clean moral record just because he sneezed.

Of course, if Adams and others are right, then the question whether freedom is compatible with determinism recovers some of the significance that has traditionally been accorded to it. But if I am right that Georg is nonetheless probably as responsible as, or nearly as responsible as, George, this question certainly does not recover all of its significance.

A point related to the last one is this. Even if Adams and others are not right, might it not be that the truth of the claim that Georg would have freely killed Henrik depends on whether freedom is compatible with causal determinism? If so, would this not restore the significance of the question whether compatibilism is true?

This is a difficult matter. In principle, I do not see why there should not be considerable convergence between the judgments of compatibilists and incompatibilists regarding whether some agent would have freely done so-and-so under such-and-such circumstances.⁴⁹ To the extent that this is so, the question whether freedom is compatible with determinism is moot. To the extent that this is not so, however, I concede that the significance of this question is restored. But, even then, there is a strict limit to the restoration. As long as an incompatibilist is prepared to agree that some agent would, or would probably, have freely acted in some way in which he was caused not to act, and that this fact grounds the ascription of responsibility *tout court* to the agent, the question whether freedom is compatible with determinism simply does not recover all of the significance that has traditionally been accorded to it.

A final reason to be skeptical of the claim that Georg would have freely killed Henrik, had certain features of the case cooperated, has to do with those cases that concern constitutive luck in particular. It has been suggested that such luck is incoherent, inasmuch as it presupposes that one could have been a different person.⁵⁰ I deny this. What it presupposes is that one could have had different personal characteristics, and surely this is sometimes true. If Georg failed to kill Henrik simply because he was deaf (literally) to Henrik's insults, it seems clearly intelligible to say that he would, or would probably, have freely killed Henrik had he not been deaf. But what of

⁴⁹ See footnote 37 above, however.

⁵⁰ Cf. Daniel Statman, "Introduction," in Statman, ed., *Moral Luck* (Albany: SUNY, 1993), pp. 1-34, here p. 12; this volume contains reprintings of many papers, including those of Williams, Nagel, Rescher (revised), and my "Luck and Moral Responsibility." See also Rescher, p. 14 in the original.

other characteristics, such as being timid or thick skinned? Can we intelligibly say that Georg would have freely killed Henrik had he not had such characteristics as these? That depends on whether such characteristics are *essential* to Georg. I am inclined to think that they are not, but this is another difficult matter that I shall not try to resolve here.⁵¹ Let me simply note that, if such characteristics are not essential to those who have them, then the truth of the relevant counterfactuals is unaffected. I concede, however, that, if any such characteristics are had essentially, then the relevant counterfactuals are indeed false.⁵²

This concession is important. It means that the role that luck plays in the determination of moral responsibility may not be entirely eliminable, even if it is to be neutralized to the extent that I have argued for here. That is because, regardless of just which personal characteristics should be said to be essential to persons, it is presumably correct to say that some are. Consider any such characteristic that Georg may have. It is then necessarily false to say that Georg would have freely killed Henrik had he not had that characteristic. In such a case, Georg does get off the hook, even though he was, of course, not in control of whether he had the characteristic in question.⁵³ (Or rather, my argument does not suffice to keep him on the hook. The general thesis that one cannot escape responsibility through luck should incline one to think that Georg can be responsible even in a case in which he fails to act freely due to some characteristic that is essential to him, since the possession of any such characteristic is a matter of luck.) But this concession is not enough to resurrect the significance traditionally accorded to the questions whether freedom requires alternate possibilities and whether freedom is compatible with causal determinism. I am prepared to agree that the *capacity* to act freely is essential to whatever has it. (Thus it must be false to say, for instance, that Georg's *gun* would have freely killed Henrik, had *it* had the capacity to do so.) But it is surely not correct to say that one's being such that one has (or lacks) alternate

⁵¹ It should be noted that my position here is consistent with the claim made earlier that Melville's character, Claggart, is uncontrollably evil. A characteristic may be uncontrollable by a person and yet not be essential to that person. This is clearly true when the characteristic in question is not that person's but someone else's; it is no less true when the characteristic is the person's own.

⁵² Lewis himself declares (*op. cit.*, pp. 16, 24-26) that counterfactuals with impossible antecedents are vacuously true, which strikes me as inadvisable. But he grants (*op. cit.*, p. 25) that his reasons are "less than decisive" and provides an alternative account according to which such counterfactuals are necessarily false.

⁵³ Cf. Greco, pp. 94-95.

possibilities, or one's being such that causal determinism is (or is not) true, is a characteristic that one has essentially. This being the case, I conclude that the questions whether moral responsibility requires alternate possibilities and whether such responsibility requires causal indeterminism are not as important as they have traditionally been taken to be. I conclude, further, that many of our common practices, in particular the practice of punishment, are in dire need of revision.

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