Luck and Fortune in Moral Evaluation

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Philosophers are interested in luck for a variety of reasons. One has to do with its purported significance with respect to moral evaluation and moral responsibility. Numerous philosophers have been fascinated and disturbed by the "paradox" of moral luck. We are, firstly, committed to the view that persons are only responsible for, or only blameworthy for, what they have control over. This condition is often referred to as "the control condition." It also seems to be a fairly obvious fact that we frequently don't have control over everything that happens as a result, for example, of our actions. Yet, those whose actions turn out worse than others who do exactly the same thing get blamed more harshly. Given the first two claims this does not seem warranted. The classic case is that of the reckless truck driver who has the bad luck to run over a child in the street. This truck driver is blamed far more severely than one who was equally reckless, but had the good luck not to run over anyone. Given that they both were acting equally recklessly the difference between the two is the result of luck, or chance. And thus the increased blame for the one who actually causes harm seems paradoxical – shouldn't they both be equally blameworthy if equally reckless?[1] This consideration is a major factor in pushing normative ethical theorists in the direction of purely internalist accounts of moral evaluation. On such accounts the moral quality of one's

actions is completely determined by factors internal to agency, such as one's motives or intentions. Effects are irrelevant. Thus, what happens in the world as a result of one's actions is actually not a factor in moral evaluation of the action. On this view, both truck drivers are equally blameworthy in the sense that their actions are both equally *wrong*, equally reckless. On this approach the most common account of the phenomenon or paradox of moral luck is an *epistemic* account. What makes the truck driver case seem so paradoxical is that – given our limited epistemic resources – we can't genuinely tell if the two are equally blameworthy because we do not have access to their inner states.

The intuitive plausibility of this position presents the objective form of consequentialism, which offers an externalist account of moral evaluation, with a challenge. Objective consequentialism holds that consequentialism provides a criterion for evaluation. In the case of actions, that criterion is that the right action is the one that really does produce the best outcome. It does not hold – as the subjective consequentialist holds – that the right action is the one performed according to the consequentialist decision-procedure; or the one that, for example, maximizes expected rather than actual utility. Thus, for the objective consequentialist what actually happens as a result of one's actions determines its rightness or wrongness, although not, perhaps, its blameworthiness or praiseworthiness. Because factors external to agency – such as consequences – determine rightness or wrongness, the account is an externalist one for this species of moral evaluation. The challenge for this approach to moral evaluation is to account for moral luck without giving ground to the internalist. The overarching goal of this paper is to meet this challenge while, along the way, trying to clarify what the problem of moral luck consists in. Some of what comes under the heading of "moral luck" isn't actual luck, but, rather, good or bad moral fortune. The underlying problem of moral "luck" has to do with people getting credit or discredit for what they, intuitively, at any

rate, don't deserve. This can arise through luck, that is, through fluke or accident. But it may also arise in nonaccidental ways.

A secondary goal of the paper is to attempt to arrive at a better understanding of luck itself. Few accounts of moral luck offer an account of luck itself. The view I argue for here holds that the best account of luck itself is *contrastive*. This means, among other things, that no one is just plain lucky or unlucky. We have various pragmatic rationales for identifying an outcome as lucky or unlucky. In the case of morality, I will maintain, some of the relevant reasons have to do with what it is reasonable to blame and praise someone for. Outcomes will be relevant here because we want to minimize the actual bad results of actions. Bad "willings" are to be reduced because these are what have a causal connection to the bad outcomes. The type of luck that I will primarily be concerned with in this paper is resultant luck, or luck in consequences.

<A>1. The Problem of Moral Luck

The general problem of moral luck is by now well known. Discussion of the problem in the contemporary literature was stimulated by articles by Bernard Williams and Thomas Nagel (see Nagel 1979; Williams 1981). Nagel, for example, notes in his presentation of the problem that if we succeed or fail in our projects it is often a matter of luck. There are some things, indeed, plenty of things, we simply have no control over. He writes:

> 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. (1979, 25)

A Kantian might well agree with Nagel's claim in this paragraph, but not view this as a problem for moral worth. Indeed, the Kantian system is actually constructed so as to avoid the impact of moral luck on moral worth. It is a theoretical strength of the Kantian position that it insulates moral worth from luck. Thus the challenge for externalist accounts. It is also important to note that one could adopt an internalist stance with respect to moral evaluation and not be committed to a Kantian position. Indeed, subjective consequentialists are internalists for pretty much the same reason Kantians are – to avoid moral luck. Subjective consequentialists hold that the moral quality of one's action is determined by the subjective states of the moral agent that are internal to agency. So, on one popular construal of this approach, the right action would be the one that maximizes expected utility, where expected utility is understood as what the agent expects to maximize utility.[2] Usually, this view also builds in some kind of reasonableness requirement on the agent's expectations. Unlike the Kantian, however, the subjective consequentialist considers effects in practical deliberation. Thus, for the subjective consequentialist one is shooting for success in terms of outcome. It's just that these outcomes aren't relevant in measuring the success of the agent or the agent's action in moral terms.

The intuition elicited in the above case seems to be that if the reckless driver truly had no control over the presence of a person in the road, if the presence of the person was actually due to bad luck, he does not deserve extra blame for running over that person. We will come

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back to this, because I believe that the objective consequentialist can account for this intuition, properly construed.

If we just look at what we ordinarily tend to think about right and wrong it looks like we hold people responsible both for the moral quality of their mental states – their intentions and motives, etc., as well as for the outcomes of their actions when those outcomes are thought to have been guided by the agent's psychological states. We also blame persons and hold them responsible for outcomes in cases where they – although not guided by bad psychological states – are acting in the *absence* of the appropriate psychological states. Even if the agent didn't know better there are often situations where she should have.

An agent's motives, intentions, and so forth are thought to indicate what sorts of reasons the agent is responsive to. One can tell if the agent is moved by morally good reasons by looking at what she intends to do, or the sorts of motives she has in acting a certain way. Likewise, outcomes tell us the agent's actual impact on the world, something many people intuitively also think is morally relevant and morally important. Thus, most people very often have a kind of mixed view when it comes to morally evaluating what someone does. On this mixed view, we have to look at both the character of the agent's psychological states as well as the actual impact that her behavior has on the world. Further, the mixed view is committed to holding each of these factors – that is, the states internal to agency as well as outcomes – as somehow intrinsically important to the evaluation. That is, on the mixed view, neither can be given a reductive analysis in terms of the other. I don't think that this lovely compromise view withstands scrutiny, although I do think it represents our unreflective views on moral evaluation.[3]

The importance of intention to evaluation is taken to be demonstrated by the fact that we blame agents for intended bad outcomes far more severely than unintended ones. For

example, if Samantha intentionally strikes Beatrice, Beatrice will be far more angry and resentful than if Samantha unintentionally strikes her while waving her hand. This is because, at least in part, Beatrice will understand the intention to harm her as far more threatening, and certainly indicative of the fact that Samantha views harming Beatrice as a reason for performing that action. Not so in the unintentional case.

When it comes to the significance of outcomes people will frequently note that the agent's impact on the world is morally significant – and to deny that significance encourages a kind of moral solipsism. Indeed, this is a major problem for internalist accounts of evaluation. To counter this problem they need to build into the theory substantive assumptions to the effect that morally good people just are the sorts of people who display a concern for what happens in the world.[4] This appears to be a backdoor acknowledgment of the significance of objective factors.

But some would argue that it is not morally appropriate to factor in what would happen were one not to perform the action. This is because some actions are intrinsically wrong, blameworthy, and ought not be done, even if they are instrumentally *good*, let alone outcome neutral. The mistake of consequentialism is to equate instrumental goodness with rightness and praiseworthiness. An action can be wrong even if, instrumentally, it is the "best" (in terms of producing the most good). Thus, when it comes to practical deliberation such actions should not be considered at all. This position has well-known problems and as stated does not withstand reflection. Ardent deontologists often note that when the consequences are good enough it will be permissible, even obligatory, to perform actions that are normally immoral. So, if we think of "intrinsically wrong" as "wrong in all contexts" then such actions are not really intrinsically wrong. They may be *prima facie* wrong, that is, they appear wrong on first blush, but the consequentialist could readily agree with that. Then the

debate centers on where to draw the line on how bad things have to get to reach the "wrong" threshold.

But my aim here isn't to go over this debate between consequentialists and non-consequentialists – it is simply to point out that very many people do intuitively think that the agent's actual impact on the world is *morally* relevant, not simply causally relevant.

The moral luck problem arises out of our confused reactions to factors that each seem important to moral evaluation. Outcomes matter, luck ought not to matter, and yet luck and outcomes often go together. The externalist strategy will be to stick to her position on outcomes, at least in terms of assessing the agent's success in performing right actions, yet offer an account of moral evaluation that is nuanced enough to accept luck without serious violence to our moral convictions. We evaluate more than the rightness or wrongness of actions. We also evaluate persons themselves as praiseworthy or blameworthy. We evaluate the mental states of agents. A person may act rightly in such a way as to reflect badly on her character; or she may act wrongly in such a way as to reflect well on her character. Rightness and wrongness are subject to resultant luck, then. To better understand this strategy it will be useful to have some idea of what we are talking about when we discuss moral *luck*.

<A>2. Luck

No one is just plain lucky. In fact, one's luck status may seem murky in any given situation. Consider the following example:

> Sandra has had a narrow escape. She contracted an extremely rare, and extremely fatal, strain of flu. Fortunately, however, after two weeks of agonized suffering she

has recovered and is recuperating in the hospital. Furthermore, through some odd and highly improbable combination of chemical factors the flu seems to have cured her arthritis. When her brother Bob comes to visit her she tells him happily: "I am so lucky!" Bob disagrees with her, claiming that in reality she has been quite unlucky.

Both Sandra and Bob are correct. And this example illustrates two distinct ways in which Sandra is both lucky and unlucky. Sandra is lucky to have caught the flu and then recovered, rather than died. She is also unlucky to have caught the flu, rather than to have avoided it altogether. A careful reader might note that this is not a genuine case of contrastivism – because, although Sandra is lucky to have caught the flu *and then recovered*, it would be odd to say that she is lucky to have caught the flu period. This lucky/unlucky contrast is not controversial at all – it simply reflects the fact that what one is lucky (or unlucky) *about* in a situation can vary within the situation itself. The *contrastive* luck attributions are the following: Sandra is unlucky to have caught the flu rather than to have avoided the nearly fatal disease. Sandra is lucky to have caught the flu, rather than to have continued to suffer from her arthritis. I will discuss further the issue of what makes the contrastivist approach distinctive later in the essay.

This scenario illustrates the contrastive nature of luck attributions that I'd like to explore in this paper. It also illustrates one of the conditions under which warranted attributions of luck, and lack of it, can be made.

Nicholas Rescher notes that in many cases lucky (or unlucky) means something like "by accident" or "by chance" (Rescher 1995). That is, the lucky (or unlucky) event was unplanned, or it was something that the agent could not have reasonably expected to occur (ibid..). Further, the event has normative significance "in representing a good or bad result, a

benefit or loss" (Rescher 1990, 7). But this doesn't exhaust how we understand luck, either. We also associate luck with what is improbable: good luck would be the improbable with positive normative significance, bad luck the improbable with negative normative significance. I can plan or intend to climb Mt. Everest, while realizing that my odds of getting to the top are pretty low, and this would be sufficient to warrant a judgment that I was "lucky" to get to the top.

Further, as the moral cases have demonstrated, we also think of lucky or unlucky outcomes as those beyond the agent's control. Although the truck drivers can control their states of recklessness, they cannot control whether or not a child runs into the street. The morally unlucky truck driver is the one driving recklessly when the child runs into the street. As other writers have noted, however, lack of control can *at best* be necessary – it is certainly not sufficient.[5]

It will turn out that our attributions depend on pragmatic features, some of which pick out certain contrasts. In the case of morality, some of those pragmatic features will relate to our interests in blaming and praising people. Although it seems pointless to blame people or hold them responsible for things they had no control over, if one adopts a genuinely instrumental account of praise and blame then justifications for the practice can expand to include third part effects – thus, there may indeed be some small point in the blame, under certain restrictive circumstances.

The basic account of "luck" attributions that seems correct to me is something along the lines of:

(CL) Event e is lucky or unlucky for a given individual in contrast to some other state of affairs (or, *rather than* some other state of affairs).[6] An individual, S, is lucky that p rather than q.

In his work in epistemology, Jonathan Schaffer argues that knowledge is contrastive.[7] It consists in a three place relation, Kspq (s knows that p rather than q), q being the contrast proposition. But an account can be contrastive and admit of further variables.[8] On the account of luck that I will be presenting, a fourth place will be called for because "luck" will be relative to the agent's interests as well. Thus, (CL) will need to be modified so that an individual s is lucky that p rather than q, relative to her set of interests and, in some cases, her epistemic states. It may well be that contextualists would argue that the account I present is really a contextualist one. However, I don't want to get involved in that debate here. On either way of presenting the account, luck attributions are dependent on relevant contrasts being specified, whether or not we simply hold those contrasts to be a matter of context.

Thus, for an event to be considered either lucky or unlucky that evaluation is relative to the judger's epistemic status as well as the judger's normative commitments. I leave aside for now the question of whether luck is more objective. Just as a man can be both tall and not tall, an event can represent both good luck and bad luck, depending on the perspective of the judger.

But it is first important to get clear on what is distinctive about the contrastivist approach. It is uncontroversial that judgments of luck are relative in various ways. They can be relative, for example, to the person, relative to the interests of the person, and/or relative to the circumstances of the person. For example, it is lucky for me if my enemy trips in battle, but unlucky for him. This shows that judgments of luck are made relative to the person. I

might even remark, "Wow, lucky for me – but not for him!" This also underlies the comparative luck judgments: A is luckier than B with respect to e. I am luckier than my enemy with respect to our aims (his of killing me, mine of staying alive).

But the contrastivist is claiming more than this. The contrastivist is claiming that luck attributions – even with respect to the same person, the same set of interests, and the same circumstances, even holding all of these constant – are subject to contrasts. The Sandra case we began the section with illustrates this. Another case is the following: suppose that Roger's grandfather has just died and left him ten million dollars in his will, on the condition that Roger is not already a millionaire. Suppose also that Roger has just won the lottery for one million dollars. Roger is both lucky and unlucky. He is lucky to have won the lottery, rather than to have lost, given the improbability of winning. On the other hand, he is unlucky given the contrast with the contents of his grandfather's will. That is, he is unlucky to have won the lottery, rather than to have qualified for the ten million dollars in his grandfather's will. Articulating a contrastivist account of luck helps to clarify reasons why we judge someone or some outcome lucky or unlucky. Reasons themselves are understood relative to contrasts. The reason Sandra is lucky is that she caught the flu that eradicated her arthritis; she is lucky to have caught the flu, rather than something else, let's say, that would have had no impact on her arthritis.

Some people use the word "luck" to indicate a state that "could have been otherwise." It is just a matter of "luck" that one's parents happened to meet when they did, for example, because it could have been otherwise. But this needs to be narrowed a bit too, because utterances like "it is just a matter of luck that I am wearing my blue jeans today (because it could have been otherwise)" are absurd in normal situations. That's because I presumably *chose t*o wear my blue jeans and there was nothing standing in the way of my choice. So,

even though it is true that it could have been otherwise, it is not a matter of luck. If we deny this then the only things that aren't a matter of luck are those that are necessary. Although it is true that it is not a matter of luck that $2 + 2 = 4$, that is not the whole story either. Control is a factor as well. That someone chose to do a and that a had the expected outcome (or, perhaps, the reasonably expected outcome) is a factor. Of course, luck judgments can apply to one's choice itself as well, if one thinks that one doesn't choose what to choose, or choose what to choose what to choose, and so on. A strategy to deal with resultant luck or circumstantial luck may not deal with this higher-level luck, related to constitutive luck.

Is there a way to take these inchoate impressions about luck and turn them into a more systematic account? My impression is that in the literature there are two main approaches to this issue. One I term *epistemic reductionism* because this view – which can be spelled out in a wide variety of ways – basically maintains that luck simply reflects a state of ignorance on the part of either the luck attributor or the "lucky" individual. The other view is more objective. It is called the *modal* view because it holds that luck is not simply epistemic but instead corresponds to flukes – occurrences of this world that fail to be occurrences in the relevant set of nearby possible worlds.

<A>3. Epistemic Reductionism

Again, one possible account is that luck – with respect to results or consequences – is essentially epistemic. That is, we would never think ourselves either lucky or unlucky if we knew all the facts. So, if I roll a pair of die and, hoping for the highest number, get two sixes I would likely consider myself lucky because I could not have reasonably expected that outcome given what I know and because that outcome is good for me given what I wanted.

However, if I were in possession of full information then I would have known that throwing the die a certain way would result in double sixes, and thus the good outcome is not attributed to luck. Uncertainty is eradicated with full information.

This account of luck can be extracted from the work of Pierre Laplace. Laplace believed that a God-like being possessed of full information would not make judgments of luck.[9] For such a being there is no uncertainty about outcomes at all. On this account luck judgments are simply a reflection of our impoverished state of knowledge about what will happen and/or what is, in fact, good or bad for us. A God (or a "Laplacian demon") would not attribute luck to anyone because a God would have access to all the information – information about what has happened, the laws of nature, and in virtue of these two, what *will* happen as well. Added to this, we can suppose that God also has knowledge of what is good or bad for a person's interests. God makes no warranted luck attributions.

Nicholas Rescher also seems to hold a kind of epistemic reductionism. On his view judgments of luck are a matter of what the agent can reasonably expect to occur. Because one lacks full information there will be uncertainty and this provides the basis for luck judgments. Thus, a person who unknowingly benefits from a rigged lottery on Rescher's view is lucky because, from his point of view, he had no reason to expect that outcome. From his point of view, lacking the relevant information, the outcome was quite improbable.[10]

We can be ignorant of either the consequences of our actions or failures to act, as well as ignorant of whether or not those outcomes affect our goals positively or negatively. To give a slightly different case, George Bailey knows full well that if he doesn't leave Bedford Falls he will not get to be an engineer. What he doesn't know is that it might actually be a good thing for him that this doesn't happen. Thus, he might reflect back on his life and conclude that he was in fact lucky that he wasn't able to leave and become an engineer. This

kind of ignorance involves ignorance of what is, in fact, normatively significant. Epistemic reductionism holds that our judgments of good or bad luck can be reduced to either this kind of ignorance or ignorance of what will, in fact, *happen*, or what is, in fact the case. Roughly, we can put the claim this way:

> (EpR) "A is lucky that e rather than f" is simply shorthand for "Given what the speaker knows about the likelihood of e's occurrence given A's circumstances, it was unlikely that e (or unplanned or uncontrolled, etc.) but not that f, and/or A did not know that e was in fact good for A, rather than f."

Thus, one would not judge A lucky that e if (i) one knew that e would occur and/or possibly if (ii) one was fully aware that e was a good thing for A. We want to be able to preserve the sense of claims like "Alan is incredibly lucky, he just doesn't know it." Also, however, we do tend to think that someone can be lucky or unlucky, and no one ever realize it or be in a position to realize it. For example, it is possible that we are all lucky that the planet Earth has not been struck by a giant meteor in the past two thousand years (as opposed to being struck by one), although we may never know this. What would the epistemic reductionist say about this? On this account there is no luck, *tout court*. We are not, in fact, lucky because it was inevitable that no asteroids would hit the Earth. Of course, if we actually thought about it given our limited knowledge of the universe we might well be warranted in thinking the probability of an impact high, and thus we are warranted in a judgment of luck. If, on the other hand, we had God-like knowledge of how the universe works – not actually accessible to any human being, of course – then we would not have made that judgment because we would know that there's no chance at all of the asteroid hitting the earth during that time.

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There are a plethora of ways one could go about spelling out (EpR) in more detail. We cannot go into them all here, but I will mention two. First, we could hold that

(EpR1) Attributions of "lucky" or "unlucky" are true or false relative to the epistemic states of the attributor.

Thus, when Sandra judges herself to have been lucky in catching flu, this claim is true given that she believes catching it to have been very unlikely. Of course, there is also no deeper issue here, no metaphysics of luck. Given full information she would not be warranted in attributing luck to her recovery.

We could also go the following route:

(EpR2) Attributions of "lucky" or '"unlucky" are true or false relative to the epistemic states of the well-informed or reasonably well-informed attributor.

Suppose that Sandra's physician Nora knows that Sandra had been living in a flu "hot spot," although Sandra herself does not know this. Whereas on (EpR1) Sandra's judgment that she has been lucky is true, it is not necessarily true on (EpR2) – depending on how stringently one understands "well-informed." For example, Nora might well think luck had nothing to do with Sandra's contracting the flu – that, even though Sandra thinks it did, she's *wrong* about that.

It can get yet more complicated. In judging x to have been lucky ought one consider what the attributor believes or what the agent believes? In (EpR1) and (EpR2) I've spelled it out in terms of the attributor's epistemic states. But there are cases where the attributions

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seem appropriate relative to the agent's epistemic states *rather than* the attributor's. Suppose that Priscilla owns a store that sells lottery tickets and has just heard that the winning lottery number is #637845. Bill comes into the store at the last minute before the ticket sales are suspended and buys a ticket with that very number. Priscilla knows that there was no way for him to have known the number ahead of time. Under these circumstances she would be warranted in judging him lucky – but that makes sense only relative to *his* epistemic states. So neither (EpR1) or (EpR2) can model this type of case. We could try to modify them to read something like "relative to the epistemic states of the attributor and/or agent." However, as we will see shortly, there is a more streamlined way to proceed that will hopefully avoid this particular *ad hoc* maneuver.

It should be noted that there is also a moralized sense of "lucky." Suppose that Alice becomes engaged to Bob, her boyfriend for a number of years. Suppose also that this was no surprise to anyone. Alice might still sensibly utter "I am so lucky." Here she might mean something like "I have a great fiancé, much better than other fiancés, even though I am no more deserving of him than many other women would be." The idea is that we might judge someone lucky when something great happens to him or her – even if it is entirely predictable – as long as it seems that they are no more deserving than others of the great outcome. This counts against (EpR).

However, the epistemic reductionist could respond by holding that Alice's situation is not truly a matter of luck. Perhaps, for example, we acquiesce to such utterances out of respect for conversational norms. It may just be rude to contradict someone about her romantic good luck. The more serious issue for (EpR) is that it is fairly messy, because it mixes up various conditions that underlie luck judgments – such as the likelihood of the event, whether or not it was planned or intended, and whether or not the agent was exerting

control. For example, several other writers have pointed out that it can't simply be lack of control that characterizes luck, because there are plenty of things we lack control over but are not lucky. One example of this in the literature is the following: we have no control over the rising of the sun each morning, yet it would be odd to say that this was a lucky occurrence.[11] Of course, one could come back and note that the rising of the sun each morning is highly probable, and that's why describing it as a lucky occurrence is odd. Pritchard argues that this can't underlie luck judgments, however, because, for example, a landslide's occurrence may be a matter of chance – although not described as lucky or unlucky unless it also affects someone's interests.[12] However, (EpR) adds a condition that would get around this particular concern.

Might there be a sense of "A is lucky that p rather than q" that is meaningful (true or false) independent of the epistemic states of an utterer, or even the agent? The issue is clouded by the fact that luck is tied to interests. Consider the following case:

> John rushes to the train station but, unfortunately, the train happens to be a bit early that day and he misses the it. However, while waiting for the next train he happens to meet Lucy. Eventually, John and Lucy get married and live happily ever after. John, however, has forgotten by that time that he met Lucy as a result of missing the train. No one else is aware of that fact.

John, of course, believed himself to have been unlucky at the time he missed his train. If the train had been on time, as usual, he would have made it. Yet, it turns out, relative to his long-term interests it was actually lucky for him that he missed the train.

The epistemic reductionist is in a bit of a bind with cases like this. To avoid the rather counterintuitive result that John, in fact, has not been lucky, the epistemic reductionist needs to idealize a bit. But if she idealizes too far, then there is no such thing as luck at all. So there must be some sort of intermediate idealization. In the above case the epistemic reductionist might hold that John is lucky because, given what he should have been aware of at the time he and Lucy were married, the luck judgment is true. Or, she could hold that John is lucky relative to what a well-informed, although not actual, attributor would judge to be the case. The balancing act that the epistemic reductionist is called upon to perform in order to accommodate such cases is not impossible. But it will require a fluctuating standard regarding the relevant epistemic states.

Thus, is there an account of luck that can accommodate a *metaphysics* of luck? Again, on such a view it would be possible to characterize luck without appeal to the agent's or non-actual attributor's epistemic states. A contrastivist account divorced from epistemic reducibility can provide this. John is lucky that the train was early rather than on time, regardless of what he believes or what any actual attributor believes. Further, we needn't bring the non-actual well-informed (but not perfectly well-informed) attributor.

But note luck would still be understood *relative to a set of interests*. A rock is not lucky or unlucky, although its fate is subject to chance as much as a person's or an animal's. We can consign this normative element to pragmatics. That is, our interests, our purposes, or what is good for us – these are features of the situation that will make certain factors relevant in the attributions of luck. In the case of moral luck, however, it will turn out that this gets rather complicated, because we will want to consider not necessarily what a person's interests *are*, but instead what they *ought* to be. It is possible for a truck driver not to care whether or not he runs over anybody – of course such a truck driver would be evil – and it still is the

case that he *ought* to care even if he does not. And moral luck is about evaluation of a person or a person's actions and his or her degree of moral responsibility, so whether he actually cares or not is irrelevant to ascriptions of moral luck.

<A>4. The Modal Account

One writer who has spelled out an objective account is Duncan Pritchard in his book on epistemic luck.[13] Pritchard argues that the best account of luck is modal, and consists of two conditions:

> (L1) If an event is lucky, then it is an event that occurs in the actual world but which does not occur in a wide class of the nearest possible worlds where the relevant initial conditions for that event are the same as in the actual world. (Pritchard 2005, 128)

This condition is not sufficient and he adds:

> (L2) If an event is lucky, then it is an event that is significant to the agent   concerned (or would be significant, were the agent to be availed of the relevant facts). (132)

Pritchard argues that (L1) and (L2) combined are "clearly able to accommodate a number of our basic intuitions about luck" (Pritchard 2005, 133), although he also admits it is a rather vague account. (L1) is intended to capture the intuitions that lucky events are improbable, unplanned, accidental, and/or beyond the control of the agent. (L2) is supposed to capture the subjective nature of luck attributions. Without (L2) we'd get into oddities such as it is lucky

for me that there are an odd number of stars rather than an even number of stars, even though I could care less about it.

A modal account will have issues with necessary truths. Consider the claim "I am lucky to have the parents I have." Pritchard would have to deny this, because it is necessary that I have the parents I have – I could have no other parents – there is no possible world in which I have different parents. Pritchard actually holds that his account is restricted to the nonnecessary. However, Pritchard could say that sometimes we misuse "lucky" to mean "fortunate."[14] I am indeed fortunate in my parents, but not lucky. It is good for me that I have the parents that I do have, although it was inevitable and thus not a matter of luck. It would be possible to handle the Alice case similarly. Alice is fortunate in her fiancé, but not truly lucky.

There are other issues for Pritchard's account. For example, the lucky event does not occur in "a wide class of the nearest possible worlds." But consider the following case: Michael is a very, very poor shot. Every day he goes out to the firing range to practice and, for the most part, performs miserably. He fails to hit the bull's-eye ninety-nine out of one hundred times. But each time he shoots he aims carefully, and clearly intends and wants to hit the bull's-eye. Then, on Thursday morning, he does hit the bull's-eye. Was he lucky? It would be hard to answer this given the account Pritchard puts forward. Whether or not Michael is lucky to have hit the target, rather than to have hit the edge of the target or something else altogether depends on the contrast we take to be operative.

Consider another example: A lottery has been rigged by Joe's father, Carl, so that Joe will win. The winning number has been picked ahead of time and Joe has been told what it is. Joe buys a ticket with the winning number. Carl also likes Sam, his best friend's nephew. He knows that Sam always plays the lottery and always picks his birth date as the winning

number (060682). So, Carl picks that number when he rigs the lottery. Sam, however, is unaware of this. Lucretia also buys a lottery ticket that week, with the winning number. She has no connection to Carl and she, too, is unaware that the lottery has been rigged. Who is lucky? The contrastivist holds that there is no answer to this independent of a contrast. Sam is lucky relative to what he knew because he had no way of foreseeing the winning number. The same holds for Lucretia.

At issue, I think, is how Pritchard would unpack "the relevant initial conditions" in his account. What are these? How is "relevance" determined? Again, there are different ways we could go here. One is to insert an epistemic understanding of "relevant" and hold that the relevant conditions are the "foreseeable" ones – or something along those lines. Or, more radically, one could simply say that there are no truly relevant conditions. One just picks a class as the contrast class and makes the judgments relative to that class. For my purposes in this paper, however, I will be opting for the former because that ties quite naturally into the issue of what we find blameworthy and praiseworthy in agents.

If we develop the modal account in a contrastivist direction we get something like:

(CL1) If an agent is lucky that event p rather than event q, then p occurs in the actual world, and does not occur in a wide class of the nearest possible worlds where the relevant initial conditions for that event are the same as in the actual world, whereas q does not occur in the actual world, and does occur in a wide class of the nearest possible worlds where the relevant initial conditions for that event are the same as in the actual world; further

(CL2) Whether or not p constitutes good luck or bad luck is relative to the interests of the agent (or the being with interests).

Again, I would suggest that we combine the intuitive appeal of the epistemic approach with the modal approach by unpacking "relevant" in epistemic terms. The set of conditions that determines what is relevant are those that are the foreseeable outcomes. Foreseeable outcomes are those that could reasonably be expected to be foreseen – either by the agent, or attributor. It is quite true that this will sometimes not be clear. For example, in the case of the poor target shooter that I discussed earlier, this is not clear. Given the improbability of his hitting the mark one might argue that it was not foreseeable; on the other hand, he fully planned and intended to hit the mark, so, again, one might hold that it is foreseeable insofar as he planned to do it. But this simply demonstrates the relative nature of these judgments, and the meaning will be clear when the relevant contrast is made clear.

Sandra is lucky to have caught the flu rather than to have suffered with arthritis for the rest of her life. Sandra is unlucky to have caught the flu, rather than to have avoided the deadly disease. In both cases the flu constitutes an event that, due to its improbability, was not reasonably foreseeable. In the *relevant* class of nearby possibly worlds she does not catch the flu.

In Sandra's case we are assuming as part of the background that she has an interest in being healthy. That is her *actual* interest. In moral luck cases, luck is understood instead relative to the interests the agent *should* have. The attempted murderer whose gunshot is foiled by an improvident gust of wind, or an unlucky bird, is himself morally lucky, although not lucky in the purely descriptive sense. He is morally lucky to have shot the bird, rather than the intended victim, that is.

One ought not to be blamed (or as severely blamed) for outcomes of one's actions in this world when they did not occur in a wide class of the nearest possible worlds even when these outcomes are contrary to the interests one ought to have. If the truck driver ran over someone through sheer fluke – so that it is true that in nearby possible worlds he did not run over anybody, even though reckless, then he is no *more* blameworthy than the other, luckier, truck driver who did not run over anyone in the actual world. However, he still did something wrong that the other truck driver did not do, namely, run over someone. His action is wrong, and due to blameworthy recklessness, recklessness that is itself blameworthy for both of the agents. But the difference in intuitive reaction is due to the quite sensible observation that the lucky truck driver didn't do anything wrong *beyond* displaying recklessness which, by creating risk, endangered others even though it did not actually lead to a harm in this particular instance.

The morally unlucky truck driver is unlucky because he hits someone in the actual world, rather than merely speeding down the road without incident (as he intends); although, in the nearest possible worlds (with the relevant conditions fixed, etc.) he does not hit anyone. In the actual world he's done something *wrong*. As in the case of the other truck driver, we can read off from this his failure to properly acknowledge legitimate reasons for minimizing risk – reasons of safety – and this reflects quite badly on his character *as well*.

In the case of the attempted murder, the murderer is morally lucky because he hits a bird rather than his intended victim. He's done nothing wrong beyond the attempt. But again, this attempt is something that speaks badly of his character. In some nearby possible worlds (with the relevant conditions fixed, etc.) he has killed his intended victim. Again, the contrast – "rather than his intended victim" – demonstrates that he is not responding to the right sorts

of reasons – he fails to value human life sufficiently. What is foreseeable, given the intentions, is the death of the intended victim.

This is why contrastivism is important to providing an insight into moral luck. The contrast can sometimes be designated by reference to the agent's intentions – or, more broadly, what the agent can reasonably foresee. It is these intentions that provide information about the sorts of reasons the agent takes seriously, or fails to take seriously, and these in turn provide insight into the agent's character and intentions. They give us information relevant to praise and blame of the agent, and what the agent foresees, reasonably, as an outcome of his behavior. This can provide the basis for luck judgments either considering simply what the agent foresees, or what the attributor foresees on behalf of the agent (given the agent's states of mind, etc.).

However, does this really solve the problem of moral luck? Someone might note that it handles cases where rightness/wrongness depends on outcomes, although blame does not. Blame depends on something else, the agent's states of mind and whether or not these reliably produce good. And this offers luck another foothold. Suppose we hold that an agent is blameworthy to the extent that he performs an action that he foresees will have an overall bad outcome. What he foresees is due to factors beyond his control; what he foresees may involve luck, or fortune. He controls his action based on what he foresees, true – but what he foresees itself is subject to "luck."

Whether or not this account is taken to solve or dissolve the moral luck problem will depend on whether or not one finds the problem at that level still troubling. We care about what agents intend, what they foresee, and what they can reasonably foresee because we rightly judge these to be factors guiding their actions as well as factors which indicate the sorts of reasons they are responsive to. Thus, this account can handle the problem with

resultant luck. But luck with respect to one's epistemic situation is not handled. However, in the case of moral luck this is not something that strikes us as deeply problematic with respect to praise and blame. If someone could not have foreseen an outcome then this is taken to be relevant.

But not all cases of what is commonly termed "moral luck" are amenable to this analysis. The above characterization can handle our views of luck when it comes to fluke or accident.[15] But some intuitions of moral luck are due to undeserved credit or discredit that don't really have anything to do with flukes. That's because they involve things over which, let's say, the agent has no control and yet things that still obtain even in the relevant set of nearby possible worlds. This may be particularly true, for example, in cases of constitutive luck, or luck in character. A person's character may at least in part be due to his parents, and yet there is no possible world in which he has different parents. On this view of luck, then, much of what people term moral luck is actually moral *fortune*.[16] Consider another example, of someone who is an evil klutz, and who tries to harm people but instead ends up helping them. Let's assume this is part of his make-up, and in a wide class of the nearest possible worlds he is still an evil klutz, intending to harm but helping instead. Although the bad intentions, systematically across agents, produce bad outcomes, in his particular case they regularly do not. This evil klutz is not blamed to the extent that the competent evil person is. This is moral good fortune for the evil klutz. He has a bad character, of the sort that systematically produces bad outcomes in this world. He is deserving of blame for this, but not deserving of the same blame as the competent evil person who is actually harming others, and thus actually doing something wrong. One way in which we "lack control" is through accident or fluke. Another way is through simple lack of choice. These may or may not coincide.

So, we blame the morally unlucky because there is more to blame them *for*. This marks one difference between the two cases that can affect our intuitions about them. The truck driver who is reckless and the attempted murder both exemplify states of mind that typically do result in worse outcomes than good states of mind. In the case of the attempted murder, the murderer was morally lucky because in a wide class of the nearest possible worlds he succeeds, and he is a murderer rather than merely an attempted murderer. We can understand this also in terms of regularities for this world. In this world, when people intend to do bad things they are more likely to occur than otherwise. Bad intentions tend to generate bad outcomes. Blame is appropriate, then, for these states of mind even in the absence of bad outcomes in particular cases.

<A>5. Conclusion

My claim is that outcomes matter to our evaluation of someone's action as right or wrong, although actions are only one of the things we blame and praise people for. A person's states of mind will matter when it comes to apportioning praise and blame to the person herself. But, again, they matter in a derivative way. They matter because they cause good outcomes. They cause such outcomes not infallibly, of course, but systematically or nonaccidentally.

In this paper my aim has been to show how such an account can accommodate luck and fortune in moral evaluation. Although the evaluational internalist has tried to avoid the problem by denying the relevance of effects to moral evaluation, this strategy cannot accommodate the deeply held intuition, voiced by Nagel, that the agent's actual impact on the world just does seem to matter to evaluation, that "what has been done, and what is morally judged, is partly determined by external factors" (Nagel 1979, 25). What this account of luck

has tried to show is that within the objective consequentialist framework we can account for our ambivalence on this topic by embracing the nuanced forms of evaluation advocated by objective consequentialism.[17]

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[1] Philosophers are also interested in luck in distribution of resources and burdens. This has nothing to do with moral evaluation. Someone could believe in the problem of moral luck, and yet also believe that luck in distribution of resources poses no problem. That is, it does not seem to pose the same sort of conceptual problem that moral luck poses. This is because we are used to thinking of the world as such that goods are not naturally distributed fairly. Luck in distribution of resources has to do with the fact that some people have more goods, or suffer more hardships, through good or bad luck in terms of their placement in society, or the sorts of opportunities that just happened to come their way in life. Some people are born poor, for example, and this is surely not their fault. They did nothing that would warrant poverty. Others are born wealthy, and for the same reason this seems undeserved – they did nothing to warrant their wealth. They were simply born into it. Even the exceptionally intelligent person who does work hard to get rich is also the recipient of luck, because his intelligence was something he was lucky enough to be born with. Of course people can work with and improve their natural talents and abilities, and improve the resources they began life with – but there is no denying that their starting point was the result of luck.

[2] See, for example, Frances Howard-Snyder (1997, 241–248).

[3] I discuss the theoretical problems for the mixed view in Driver (2001).

[4] Michael Slote, for example, adopts this strategy for dealing with the solipsism problem for agent-based ethics in his (1997):

> One doesn't count as genuinely benevolent if one isn't practically concerned to find out relevant facts about (certain) people's needs or desires and about what things are can or are likely to make them happy or unhappy. . . . One's inward gaze effectively "doubles back" on the world. (229)

[5] Jennifer Lackey has recently attacked the "control" model of luck in her (2008). Pritchard (2005) also discusses problems with the "control" model. On the view I argue for here, lack of control is neither necessary nor sufficient for luck, but lack of control may be one of the set of pragmatic factors that goes into attributions of luck.

[6] Some authors will view this as the same as contextualism, and that's fine with me. I don't want to get into a debate over the relative merits of contextualism and contrastivism and whether or not they are different or really the same thing.

[7] See Jonathan Schaffer (2005).

[8] See Walter Sinnott-Armstrong (2008).

[9] See, for example, Pierre Laplace (1814).

[10] See Rescher (1995, 35) for discussion.

[11] Andrew Latus, mentioned in Pritchard (2005, 127).

[12] Pritchard (2005, 126).

[13] Ibid.

[14] Pritchard (2005, 144n15) discusses such a possibility when examining Rescher's view.

[15] Offhand it seems that flukes and accidents are not always the same. When a bird flies in front of the attempted murderer's bullet, that's a fluke and an accident, because unplanned.

[16] I believe this gives us a way to solve at least one problem recently raised for the modal account. Jennifer Lackey presents the following counterexample to the simple modal account:

> BURIED TREASURE: Sophie, knowing that she had very little time left to live, wanted to bury a chest . . . on the island she inhabited. . . . Her central criteria were, first, that a suitable location must be on the northwest corner of the island – where she had spent many of her fondest moments in life – and, second, that it had to be a spot where rose bushes could flourish – since these were her favorite flowers. As it happens, there was only one particular patch of land on the northwest corner of the island where the soil was rich enough for roses to thrive. Sophie, being excellent at detecting such soil, immediately located this patch of land and buried her treasure, along with seeds for future roses to bloom, in the one and only spot that fulfilled her two criteria.
>
> One month later, Vincent, a distant neighbor of Sophie's, was driving in the northwest corner of the island – which was also his most beloved place to visit – and was looking for a place to plant a rose bush in memory of his mother who had died ten years earlier – since these were her favorite flowers. Being excellent at detecting the proper soil for rose bushes to thrive, he immediately located the same patch of land that Sophie had found one month earlier. As he began digging a hole for the bush, he was astonished to discover a buried treasure in the ground. (Lackey 2008, 261)

In this case, we have the intuition that Vincent is lucky, although it is also true that in nearby possible worlds he finds the treasure. What seems to be doing some of the work here is that Vincent could not reasonably foresee that he would find treasure in that spot, so he is quite surprised; the discovery is unplanned and utterly unexpected. Further, Sophie did not plan to leave it there for him to find, "fortuitously." There really was no plan at all for Vincent to find the treasure. It just worked out that way, but it did so in a way reflected in nearby possible worlds. It was fortuitous but not flukish. This should be treated as another good fortune case.