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Article

# Circumstance, Answerability, and Luck

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**ABSTRACT**

This paper identifies a distinctive kind of moral luck, deep circumstantial luck, and then explores its effects on moral responsibility. A key feature of the phenomenon is that it is recurrent rather than one-off. It also affects agents across a wide range of situations making it difficult to detect. Deeply unlucky agents are subject to unfavourable moral assessments through no fault of their own both in specific cases and when they try to respond to such initial assessments. In this respect, deep circumstantial luck takes the form of a normative burden that grows over time. A process-oriented conception of moral responsibility as answerability is proposed to explain this phenomenon and highlight its implications for rethinking vicarious responsibility.



This paper will identify and explore a distinctive form of circumstantial luck and then articulate its effects on moral assessment. In Nagel (1976, 146), where the term circumstantial luck was first introduced, the concept is given the following scope:

> The things we are called upon to do, the moral tests we face, are importantly determined by factors beyond our control. It may be true of someone that in a dangerous situation he would behave in a cowardly or heroic fashion, but if the situation never arises, he will never have the chance to distinguish or disgrace himself in this way, and his moral record will be different.

According to Nagel, circumstantial luck, like the other three categories he considers, constitutive, resultant, and causal, exposes a paradox at the heart of ordinary moral assessment: it is meant to track 'genuine agency' only; yet, on closer look, if the conditions under which this agency is exercised are systematically excluded from moral consideration, there will be virtually nothing left for us to assess. Deep circumstantial luck, the form of moral luck, on which the following discussion centres, fits this overall picture to the extent that it affects the very boundaries between exercises of individual agency and their circumstances. As I will aim to show, however, deep circumstantial luck also breaks the mould in important ways. For instance, it is fundamentally recurring rather than one-off. Its workings mark some agents as deeply unlucky across a wide range of circumstances. By reflecting on the unfavourable moral assessments such agents face, we can shed light onto a significant yet

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underexamined feature of moral assessment: it typically constitutes a morally relevant action in its own right while also being a part of a dynamic and interactive communicative process. A process-orientated conception of answerability will be put forward to make room for this feature. As we shall see, this conception of moral responsibility is crucial for locating the normative burdens imposed by deep circumstantial luck. In so far as this kind of luck rather than personal agency is the most salient explanatory factor, such burdens may be rightly described as vicarious. Having said that, their ascription to deeply unlucky agents does not follow the logic of a moral equivalent of strict liability, which would amount to establishing faultless wrongdoing.[1] The unfavourable moral assessment of these agents paints them as criticisable rather than merely liable for some harmful outcomes that they brought about through no fault of their own. That the underlying attitude directed at them is best understood in terms of distrust rather than blame, as I shall argue, does not indicate a lighter normative burden. Instead, it highlights the recurring effects of deep circumstantial luck throughout the answerability process.

The argument proceeds as follows. Section 1 offers an initial formulation of what deep circumstantial luck looks like. Section 2 illustrates this formulation with a pair of contrasting examples. Some of the immediate effects of deep circumstantial luck on moral assessment are then explored in Section 3, leading to a distinction between intervening and environmental moral luck. In Section 4, this distinction helps articulate some more insidious effects that appear later in the answerability process, when deeply unlucky agents try to set the record straight. The penultimate Section 5 offers an account of these effects in terms of disproportionate communicative risks. In conclusion, I highlight a couple of implications from this account with respect to a core dimension of personal agency, namely that of secure competence.

Throughout the discussion, I shall assume a broadly Aristotelian picture of agency. In a nutshell, this theoretical choice has three main advantages. First, it enables us to investigate whether and, if so, how deep circumstantial luck may affect exercises of agency beyond intentional actions and omissions to include habits, dispositions, and attitudes, many of which could be held outside of conscious awareness. Second, it supports the idea that the boundaries between actions and their circumstances are not overly rigid so that greater competence on the part of an agent may compensate, up to a point, for adversity and, vice versa: greater adversity may account for the loss of relevant competence on the part of an agent. Finally, an Aristotelian picture of personal agency can offer a meeting ground for different conceptions of moral responsibility. While consistent with the reactive-attitudes paradigm that has shaped much of the current field, such a meeting ground remains independent from it.

## 1. A DIFFERENT KIND OF CIRCUMSTANTIAL LUCK

This section will aim to outline the contours of a distinctive kind of circumstantial luck which will then be illustrated, in Section 2, by the analysis of contrasting examples. We could say, as a first approximation, that *this kind of luck appears in the strained connections between moral performance and moral output that affect some agents*

*as opposed to others, irrespective of their relevantly similar dispositions, attitudes, intentions, efforts, and competence.*[2]

The term '*moral performance*' designates here any morally relevant exercise of individual agency (Lillehammer 2020). This terminological choice has two related objectives. First, it allows us to consider aspects of moral assessment that, albeit significant, may remain unnoticed if we focus primarily on the question of whether blaming morally unlucky agents more than morally lucky ones is appropriate as many contributors to the debate on moral luck have done so far (e.g., Enoch 2012; Hartman 2019; Herdova and Kearns 2015; Nagel 1976; Peels 2015; Zimmerman 2002).[3] By extending the scope of moral evaluations where the relevant kind of luck might potentially be at play, we can hope to identify more nuanced approaches, beyond the recurring dilemma of accepting or rejecting its existence.[4] Second, the term 'moral performance' helps connect more clearly with recent discussions on luck in epistemology (e.g., Greco 2010; Ho 2018; Pritchard 2005; Sosa 2007) which, as will be shown in the following, can shed new light on the variety of luck that the present inquiry is after.

'*Moral output*', in contrast, refers to the accomplishment of such a performance in a particular place at a particular time. It is different from the morally relevant consequences of an action. And as we shall see in the subsequent discussion, the strain between performance and output occurs through no fault of the agent's own.

Of course, this is a first approximation only. It leaves unanswered a pair of critical questions: What counts as (relevantly) strained connection between moral performance and moral output? And why is that a matter of circumstantial (or any other moral) luck?

## 2. ACTION AS TRANSGRESSION

To begin to address these questions, let us look in some detail at a pair of contrasting examples.[5]

> *Finding vs. Looting*: It is the aftermath of a natural disaster. Food supplies are short. Two reports emerge from the news agencies, each illustrated with a photograph. The first describes the dire situation of the local residents. The photograph supplied is captioned "Local resident walks through chest-deep water after finding food in a local shop." The second report describes a breakdown of law and order. Its nearly identical photograph is captioned "Young man walks through chest-deep water after looting a local shop." Neither report explains its choice of terms in describing what looks like relevantly similar actions. The photographs, however, show that the agent described as 'finding' is light-skinned and the agent described as 'looting', dark-skinned.

There is a stark contrast in the moral assessment of the Lucky or 'Finding' Agent and that of the Unlucky or 'Looting' Agent: nothing wrong with finding food; looting, however, is impermissible. The difference is not of degree only, but also of valence (Herdova and Kearns 2015): the moral assessment of Lucky is neutral if not positive; in contrast, that of Unlucky is markedly negative. *His action is a transgression, something*

*that he should not have done*. Importantly, these contrasting action descriptions are not up to either Lucky or Unlucky as individuals in any meaningful way.[6] For these descriptions derive from the social circumstance in which they happen to operate. Such circumstance might consistently favour some agents as opposed to others. The good moral luck of the former would consist in being typically taken on their own terms. That is to say, their actions and intentions are not subject to frequent distortions. The social interactions they participate in are, overall, conducive to their being understood by others in fundamentally similar terms to the ones they would use to describe themselves. In this kind of favourable circumstance, the connection between moral performance and moral output is unsurprising: being lucky in this sense enables agents to recognise themselves in their actions, to *be 'at home' with the social meanings that govern the moral uptake of the things they do*. Here the overall interpretative context helps strengthen and expand the lucky agents' '*sphere of secure competence*'.[7] At the very least, they can go about their business without constantly looking over their shoulder or having to ward off suspicion.

Importantly, this kind of good circumstantial luck may remain unnoticed both by the affected agents and their wider community. Since the apparent match between moral performance and moral output is typically sustained across a wide range of situations, it might be seen as a reliable and therefore creditable exercise of agency. By designating this kind of circumstantial luck as '*deep*', I hope to draw attention to these two related aspects: *first, it is ultimately not up to individual agents' moral performance which action descriptions become socially salient in assessing their moral outputs; and second, the significant strains between performance and output that affect some agents but not others can be easily overlooked in virtue of their being pervasive rather than one-offs*.[8] In fact, considered in isolation, the positive cases of deep circumstantial luck might strike us as clear-cut instances of secure competence. It is only when we compare them with negative cases that the impact of deep luck across the board can be revealed. The contrasting action descriptions we see on both sides are vicarious to a large extent. They do not stem directly from the personal agency of either deeply lucky or deeply unlucky agents. Yet, they affect the prima facie moral standing of both groups in a variety of circumstances. Deeply lucky agents just happen to be typically understood in morally positive or at least neutral terms, while deeply unlucky ones, by contrast, in morally negative terms.

## 3. INTERVENING VS. ENVIRONMENTAL MORAL LUCK

Returning to our vignette, the connection between moral performance and moral output in *Looting* exhibits a strain we do not observe in *Finding*. The negative stereotype through which Unlucky's exercise of agency is made intelligible represents a form of *intervening luck*.[9] The term is borrowed from epistemology (Carter and Pritchard 2015). In its original use, it designates an unexpected factor in virtue of which the success of an otherwise competent epistemic performance gets compromised, even though the agent ends up forming true beliefs. How so? On this occasion, the most salient explanatory factor of why she gets it right is the piece of intervening luck rather than her epistemic competence.[10] As a result, her epistemic

success does not amount to an epistemic achievement that she can be credited with (e.g., Greco 2010; Sosa 2007).

In negative instances of deep circumstantial luck, such as *Looting*, the intervention takes a somewhat different form. It compromises a moral performance by filtering it through the lens of a criticisable output irrespective of whether this performance is itself criticisable or not. This intervention, however, does not undercut the negative credit that Unlucky receives. If anything, it makes such a credit more difficult to escape. Still, intervening luck rather than Unlucky's own performance is the most salient explanatory factor in assessing his moral output, as in the epistemic case.

Undoubtedly, moral agents can be affected by intervening luck as described above as a one-off. Such occasionally unlucky agents are not exposed with respect to a further dimension where the agency of deeply unlucky agents is also challenged. The potentially unfavourable moral uptake of their intervention or mere presence in certain circumstances is a matter of social know-how in which they share.[11] So, even on occasions when the exercise of their agency is not affected by intervening luck in relevant circumstances, this might have the character of a near miss and be experienced as 'lucky escape'. At any rate, deeply unlucky agents would not be entitled to feel 'at home' as deeply lucky agents do. The moral performance of the former—but not the latter—could have readily been strained into a criticisable output. And this likelihood makes the relevant exercises of agency insecure. Turning again to resources from the literature on epistemic luck, we could say that the moral performance here is compromised in virtue of being exposed to *deep environmental luck*: the affected agents cannot rely on succeeding in virtue of doing their best as oftentimes this has proven to not be enough in relevantly similar circumstances. In such circumstances, deeply unlucky agents are successful against the backdrop of a likely failure. As a consequence, even moral performances of theirs that avoid being paired up with criticisable outputs would still count as *near transgressions*. In terms of our vignette: when *not lootings*, their *findings* remain *findings-rather-than-lootings*.

There is a further way in which deep circumstantial luck, be it intervening or environmental, might erode the sphere of secure competence for affected agents. It could turn into mere attempts actions that, in normatively similar circumstances, would be straightforward for lucky agents.[12] On such occasions, deeply unlucky agents would effectively be reduced to *trying* rather than *doing*. And given the explanatory salience of action as transgression with respect to their doings, fewer things would be worth their trying. For taking any initiative, including doing the right thing becomes disproportionately risky in such a context.

This effect marks yet another important difference between deep circumstantial moral luck and the more localised varieties that have attracted greater attention in the literature. For instance, Hartman (2019, 3189–92) introduces a distinction between higher stakes situations and lower stakes ones. The difference between the two kinds of situations rests in the likelihood they afford to an agent's doing the right thing. In higher stakes situations, this likelihood is generally lower than in lower stakes situations. So, one way to account for the contrasting impact of luck on moral assessment would be to say that agents affected by bad moral luck find themselves in the former whereas agents free from such luck occupy the latter. Hence, the moral

challenges faced by unlucky agents are greater and more difficult to address than the ones faced by their lucky counterparts.[13] Having said that, in the cases envisaged by Hartman, moral assessment levels the playing field to a significant degree. Overall, agents who operate in higher stakes situations are considered as more praiseworthy when they do the right thing and less blameworthy when they fail to do so. In contrast, agents who operate in lower stakes situations are considered as, overall, less praiseworthy when they do the right thing and more blameworthy when they fail to do so. In this way, the credit or discredit that agents receive is in proportion to the magnitude of the challenge they face.

In cases of deep circumstantial luck, this proportion is inversed. As illustrated by *Finding vs. Looting*, some normatively similar circumstances are lower stakes for lucky agents and higher stakes for unlucky ones. At the same time, however, the moral assessment of the latter is harsher than that of the former, amplifying rather than compensating for the magnitude of the respective challenges they face. This stipulated feature of the cases we considered will be further explored in the following section where I shall articulate in greater detail the thought that deep circumstantial luck impacts on moral evaluation.

## 4. FROM MORAL ASSESSMENT TO ANSWERABILITY

As observed earlier, the literature on moral luck has so far focussed on a particular conception of moral responsibility as blameworthiness and, to a lesser degree, praiseworthiness.[14] The present discussion will explore instead the possible interactions between deep circumstantial luck and a different conception of moral responsibility, that of *answerability*. In the following, this will be understood as *the ability to engage, with others or at least in view of others, in ascertaining and, when required, responding to and for exercises of agency that come to moral attention. Both ascertaining and responding here are themselves core exercises of agency open to moral evaluation.*[15] Let me unpack this formulation by way of example.

Looking at the vignette from Section 2, an action description, such as *Looting* (but not *Finding*), is a vehicle through which a particular exercise of agency comes to moral attention. Agents whose actions are so described may be called to answer for themselves. And similarly, agents who employ this sort of description may too be called to answer for themselves. This latter point would not be fully appreciated if moral assessment is interpreted as what I propose to call 'unilateral appraisal', the thought that such an assessment is confined to its content: e.g., 'Agent A is looting (and hence, committing a moral wrong)'— with no reference to the assessment as a morally relevant action in its own right: e.g., 'Agent B surmises, considers, argues, concludes, asserts, etc. that Agent A is looting (and hence, committing a moral wrong)'. By focussing on responsibility as answerability, it becomes apparent that any piece of moral assessment, such as 'A is looting' is fundamentally incomplete. For it requires appropriate uptake by others and in particular those whose exercises of agency it turns the spotlight on. This is part of the rationale for rethinking moral evaluation as a *dynamic and interactive communicative process rather than a series of discrete unilateral appraisals.*

Readers familiar with the recent literature on reactive attitudes might be inclined to dismiss this observation as superfluous. The communicative nature of responsibility ascriptions, whether actually expressed or held back, is a central feature of this shared paradigm. For instance, Macnamara (2015) explains this feature by articulating the role of reactive attitudes, such as resentment or gratitude as a species of emotion that is meant to be communicated. These attitudes "represent a person (the particular object) as having done something morally significant (the formal object)" (ibid. 557). The primary function of this representational content is to elicit appropriate response in an intended recipient or 'particular object'. Thus, the "emotional uptake of the representational content of resentment and indignation by the wrongdoer amounts to guilt" (ibid. 559). This function does not have to be fulfilled in every single case. The very fact that communication by means of reactive attitudes is widespread and generally understood suffices to maintain a well-functioning system of responsibility ascriptions.

Answerability takes the idea of communication further, to also include the morally relevant action or actions, to which a specific assessment responds, and the actions performed in response to this assessment. This process-oriented interpretation helps achieve two things. First, it highlights the continuity between morally relevant actions and moral assessment. This enables us to see that *moral assessment itself covers a category of morally relevant actions*. Second, it sheds light on the *fluidity between doing and saying as exercises of individual agency* that might be affected by deep circumstantial luck. Bringing these two points together, it becomes apparent that the workings of moral luck are not limited to the entry point of answerability, as it were, but may impact on the whole process. In other words, the explanatory connections between moral performance and moral output that become strained for some agents as opposed to others in cases like *Finding* vs. *Looting* are typically replicated at later stages of the answerability process. With respect to deep circumstantial luck, there is no principled distinction to be drawn between such cases and communications, be they verbal or not, that follow on from these.[16] To give an example, taking the news agencies to task for their framing of *Finding* vs. *Looting* is open to relevantly similar complications as the initial moral performance of Unlucky. For attempts at setting the record straight could also be affected by either intervening or environmental luck. This helps reveal a vicarious strand of responsibility underpinning the answerability process as a whole by shaping the very distinction between exercises of personal agency and their circumstances.

## 5. DOING BY SAYING AND DOING AS SAYING

To appreciate the fluidity between doing and saying in the context of deep circumstantial luck, it is worth noting that a lot of morally relevant actions take the form of *doing things with words* (Austin 1975). For instance, promising is often used as a paradigm case of creating moral obligation. We can easily add consenting and dissenting, giving offense, issuing an apology, expressing gratitude, offering help, standing up for oneself, etc. In these cases, the morally relevant performance typically consists in a *speech act* and, in particular, what Austin termed, an *illocutionary* act, whereby saying is itself the doing (rather than facilitating or preventing another doing as the case is

with *perlocutionary* acts, such as commands). To achieve its intended effect, an illocutionary act requires some *felicity conditions* to be fulfilled. These conditions include a range of—often unspoken—conventions that guide interlocutors' expectations in different situations. Langton (1993, 316) offers a memorable example of an illocution that fails to elicit its intended *uptake* as a result of infelicitous conditions: an actor shouts "Fire!" in the middle of a performance in order to warn the audience that a fire has broken out in the theatre. The spectators, however, are not alarmed in the least. Instead, they heartily applaud the actor for what they take to be his masterful acting the part, in spite of his remonstrations that the fire is real while pointing to the smoke that begins to engulf the scene.

On this occasion, the actor does not succeed in warning the audience. This is because the conditions in which this particular speech act of his is performed prevent it from operating as a warning. They turn it into something else instead. Langton (ibid. 315) interprets this effect as *illocutionary disablement*: the communication 'misfires' due to factors outside of the speaker's control. In terms of the present discussion, there is an illuminating parallel to be drawn with negative cases of deep circumstantial luck. The relevant similarity rests in the double-action description needed to account for what the actor does: his illocution does not amount to error in performance. Instead, performance and output remain linked in a way distinctly strained by the circumstance.

Following this line of thought, we can now explain why in cases of deep circumstantial luck moral assessment does not typically compensate for the differential in stakes between lucky and unlucky agents. Setting the record straight could be just as risky for agents affected by unfavourable moral evaluation due to deep circumstantial luck as the particular exercise of their agency that has come to moral attention by means of such evaluation. This kind of near inescapability has been observed in a variety of contexts. Speaking out against systemic inequalities and forms of oppression is a case in point. As emphasised in the feminist literature on issues of intersectionality (e.g., Ahmed 2014; Anzaldúa 2007; Crenshaw 2012; Mirza 1997), the factors that underpin such inequalities and oppression tend to also distort actions of protest to the point of making them unrecognisable. Treating as perpetrators some victims of crime who call on the authorities for protection is one glaring example. The underlying trend, however, can also be detected in more mundane exchanges where deeply unlucky agents get dismissed as 'overreacting', 'aggressive', or 'too angry'. In all of these cases, deep circumstantial luck intervenes to transmute relevant contributions to the answerability process from reactions to moral wrongs (on the performance side) into plain moral wrongs (on the output side). As a consequence, deeply unlucky agents may end up stuck in the position of mere 'targets' of unfavourable moral assessment where any plea of theirs 'misfires' as a kind of reoffending. Still, the underlying negative attitudes they have to face are best understood in terms of distrust rather than blame.[17]

With respect to deep circumstantial luck, the fluidity between doing and saying has another, complementary dimension worth noting. Even morally relevant actions that do not conform to the type of doing by saying may be seen as communicative by default. Looking again at recent work on reactive attitudes, not only are these

attitudes understood as communicative whether actively expressed or not, the actions to which they respond are seen as deserving this kind of involved and emotional reply in virtue of what the agent might communicate through them to others. For instance, the core reactive attitude of resentment is meant to track expressions of poor quality of will across various exercises of agency, including forgetting a close friend's birthday (Smith 2012). As this example indicates, poor quality of will does not need to involve malice. Often, indifference to some important interests of others also qualifies as appropriate target for resentment. On such occasions, the relevant exercise of agency is not meant to communicate anything by the agent: people do not forget birthdays *in order* to show lack of concern. Yet, it is plausible to perceive some such instances of forgetting as hurtful in so far as they do just this: they *speak of* the forgetter's insufficient concern for a significant other.

The communicative dimension of morally relevant actions can also be acknowledged by theorists who do not approach responsibility ascriptions from within a reactive-attitudes framework. For instance, Kramer (2005, 313–16) develops an account of moral remedy as a measure undertaken or undergone to acknowledge the wrongness of what one has done to somebody else and to deal with the resultant situation. According to Kramer, moral remedy is required whenever a person infringes upon another's moral right, independently of whether this person is at fault or not. The appropriate course of action has two independent components: first, compensatory action to alleviate the harm or hardship incurred by the affected moral right-holder (if any such harm or hardship has been incurred); and second, 'making amends'. This latter component is communicative in the sense put forward here: for making amends involves issuing apologies, expressing regret, feeling remorse, etc. in ways in which an agent *answers for* having exercised her agency wrongly with respect to another—even though no fault can be plausibly attributed to her. In some instances, the relevant actions would consist in direct illocutions or, as I have put it, doing by saying. In others, however, these actions would take the form of *doing as saying* where appropriate uptake relies on shared background conventions as the case is with speech acts. And so, subtle changes in how such conventions operate can make instances of doing as saying 'misfire' just as readily as an actor's warning while on scene.[18]

To sum up, deep circumstantial luck imposes disproportionate communicative risks throughout the answerability process. Both doing by saying and doing as saying, the two sides of this process we identified and explored, are liable to such risks. As a consequence, agents who act in relevantly similar ways, from relevantly similar dispositions and with relevantly similar intentions, end up answerable for very different things. In the first instance, significant differences may appear in the degree, scope, and valence of what deeply unlucky agents have to answer for as opposed to their lucky counterparts. Later on, these differences keep reappearing. As I argued, deeply unlucky agents' ability to answer back, seek redress, or make amends could be subject to intervening or environmental luck in the same way as any exercise of their agency that has initially come to moral attention. For this reason, the explanatory connections between moral performances and moral outputs of theirs are more likely to be further strained than rectified throughout the answerability process.

## 6. CONCLUDING REMARKS

The account articulated in this paper highlighted features which distinguish deep circumstantial luck from the kinds of occasional circumstantial luck already discussed in the literature. Deeply unlucky agents are exposed to a range of overlapping risks and constraints. They affect the explanatory salience of various actions of theirs to turn them into transgressions when intervening luck is at work or near transgressions when, in contrast, environmental luck kicks in. Such actions would have normally featured within their spheres of secure competence, things that they should reliably expect to successfully perform, if they set out to perform them. The strained explanatory connections between performance and output that form the basis for unfavourable moral assessment of deeply unlucky agents in specific cases are likely to be replicated in the following stages of moral engagement when such agents try to set the record straight. And so, unfavourable moral assessment due to deep circumstantial luck takes the form of a normative burden that is not only difficult to offload but also gets heavier over time. This cumulative effect could remain unnoticed if we take moral assessment to be a kind of unilateral, case-by-case appraisal. The process-oriented conception of moral responsibility as answerability outlined here helps avoid this oversight. For it invites us to rethink the nature and scope of vicarious responsibility: this turns out to be present all the way through as a natural albeit less conspicuous dimension of answerability that affects every agent rather than a distinct and arguably lesser kind of responsibility that is occasionally incurred by some agents through bad moral luck.

Acknowledging the pervasive impact of deep circumstantial luck on answerability, however, need not imply acquiescing to it. As the notion of explanatory salience already indicates, the divide between exercises of agency and their circumstances is porous. In negative cases of deep circumstantial luck, this feature facilitates the encroachment on the affected agent's sphere of secure competence: due to normatively insignificant factors, the output is criticisable irrespective of what the performance is like. At the same time, however, a porous divide also ensures that a move in the opposite direction remains possible even when extremely unlikely: competence may become secure once its circumstance is reframed. Seeing instances of deep circumstantial luck for what they are is a step in that direction.[19]

## NOTES

1. Nagel (1976) dismisses moral as opposed to legal strict liability as inconsistent with the core idea that moral judgements have a distinctive force because they are directed at agents rather than states of affairs that have been brought about by them. This understanding is often assumed in discussions on moral luck (cf. Enoch 2012; Hartman 2019; Zimmerman 2002). See, however, Kramer (2005) and Couto (2018) where the normative interest of moral liability and its applicability to a broad set of cases is demonstrated. I return to this issue in section 5 of this paper.
2. In this paper, I will not argue for a comprehensive conception of moral agency beyond that involved in intentional actions and omissions (see however, Radoilska [2013]). Instead, such a conception will serve the role of dialectical presupposition allowing us to explore possible effects of circumstantial luck that might be overlooked as a result of a narrower focus on intentional agency as the ultimate object of moral evaluation.
3. Throughout this paper, the terms 'moral assessment' and 'moral evaluation' will be used interchangingly.

4. By 'relevant kind of luck' I mean moral luck in the strict sense as opposed to morally significant plain luck. See Enoch (2008; 2012) for arguments against moral luck in the strict sense premised on this distinction.
5. They are modified from Bierria (2014) to highlight points of relevance to circumstantial luck.
6. By 'up to' I would like to capture the various ways in which an agent might reliably exercise her agency to bring about some outcome. This would include first-order control over particular actions but also second-order control, such as adopting a personal policy to facilitate some action-types as opposed to others, cultivating particular attitudes and dispositions, honing one's competence and skills, and seeking or avoiding particular situations. See Statman (2019) on the lack of relevant agent control as prerequisite for the possibility of moral luck.
7. See Raz (2012, 147): "We acquire and are aware of having a sphere of secure competence, consisting of a range of actions that, in normal circumstances, we reliably expect that we shall successfully perform if we set out to perform them, barring competence-defeating events (which are very rare)."
8. On the idea that in order to be lucky an event should not only be 'beyond the agent's control' but also an 'accident' that could have easily failed to happen, see the modal account in Peels (2015). As I will aim to show, such an understanding of luck risks obscuring the role of various social and institutional arrangements that although contingent (could have been otherwise) are neither one-offs, nor easy to overcome.
9. Note that in cases of interest to us the moral performance itself is not affected as in cases of stereotype threat where agents underperform as a result of becoming aware of a negative stereotype that might affect how their performance is seen (Steele 2010). Instead, they are closer to the set of scenarios discussed in Hawley (2017) where highly skilled performances by members of underrepresented groups are explained away as 'lucky'. The relevant similarity between actions as transgressions, such as *Looting*, and achievements discredited as lucky lies in the strained explanatory connections between performance and output. As a result, a criticisable output is attributed to an agent's performance in the first instance and an admirable output, detached from an agent's performance in the second instance.
10. See Ho (2018) for a sustained argument in favour of drawing the distinction between epistemic competence and epistemic luck in terms of explanatory salience.
11. Crenshaw (2012) offers a wide range of germane examples from the criminal justice system to demonstrate the deep vulnerabilities generated by the intersecting practices of overpolicing and underprotecting some social groups. As a result, members of these groups are exposed to heightened risks of both being victims of violence and being treated as perpetrators rather than victims if they seek protection from the authorities. The upshot is understandable reluctance on their part to report any incidents, which in turn increases their vulnerability to further violence and institutional mistreatment.
12. I take different agents' circumstances to be normatively similar in so far as their options for action and considerations in support of each options (e.g., what is morally commendable or at least acceptable vs. questionable or clearly impermissible) can be seen as comparable. In a nutshell, such agents are roughly on a par with respect to what the right to do is and why.
13. 'Greater and more difficult to address' is meant to cover not only risks in terms of unfavourable moral assessment which were at the heart of the discussion so far but also entrenched obstacles in finding out what the right thing to do might be with respect to segments of one's moral life. Examples of the latter kind are widely discussed in the literature on epistemic injustice (e.g., Medina 2013). They include various forms of deep-seated yet motivated ignorance that operate as effective and efficient tools of preserving an oppressive status quo precisely by staying under the radar. See also Mason and Wilson (2017) on the effects of so-called cultural ignorance.
14. Kenny (1992, 77–78) observes this feature of contemporary discussions of moral luck in contrast to classical ones. To the extent that negative moral assessment plays a prominent role in the present inquiry, it also shares in this feature of contemporary discussions. In fact, we may say that it goes even further since the deep circumstantial luck it examines is worse than the kinds of bad moral luck that these discussions address. For, in terms of our discussion, agents affected by these kinds of luck would qualify as *deeply lucky*.
15. Answerability is often associated with responsiveness to reasons, a distinctive evaluative stance that transpires through eligible exercises of agency. For instance, Smith (2012) takes answerability to be the most fundamental kind of moral responsibility since it engages the reasons in the light of which an action is performed. There is also close association with blameworthiness (e.g., Hieronymi 2004). In Shoemaker (2015), there is a similar focus on evaluative judgments with explicit reference to blame, even though on

his account answerability is just one out of three responsibility conceptions, along with accountability and attributability. One of the objectives of the present discussion is to demonstrate that the links between answerability and blame are less direct and more nuanced. It will however remain neutral on the issue of whether we should opt for a unified or a pluralist overall framework.

16. An example of relevant nonverbal communication could be what Macnamara (2015) terms the 'facial signatures' of key reactive attitudes.
17. The relevant contrast can be summed up as follows: blame has sharper edges than distrust. Its demands might seem greater but meeting them wipes the slate clean. In contrast, distrust is diffuse. It paints its objects as somehow subpar without necessarily setting out a benchmark against which this assessment is made. As a result, direct corrective actions tend to be ineffectual if not counterproductive (O'Neill 2002). On the idea that trust and distrust are central yet often neglected reactive attitudes, see Helm (2014).
18. Compensatory steps undertaken by individual beneficiaries of historical injustices in the absence of comprehensive restorative actions are a case in point. They are more likely to add insult to injury than achieve their intended effect due to the unchanging social context which cheapens and distorts them. See Couto (2018) for an illuminating discussion.
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