

Is The Case Against Moral Luck Successful?

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Abstract. In this paper I argue against the idea that the existence of moral luck is an illusion. First of all, I briefly sketch what the phenomenon of moral luck is about, and then I present and discuss the main arguments that intend to show that such a phenomenon is just an illusion that we must unmask after reflection. Next, I argue against those positions as a whole by making a general point, which I think they need to address, but which, I will try to show, they cannot. What all those arguments necessarily presuppose is a notion of a person's true desert, as actual-enactment independent, which is indeed unintelligible. Hence, my ambitious conclusion is that no general argument against moral luck can ultimately work—unless an intelligible notion of ultimate true desert can be presented.

1 Introduction: the issue

Consider a classic example by Thomas Nagel (I will refer to it as E1). There are two drunk drivers and, as a consequence, Driver A loses control of her car, comes off the road, hits a pedestrian and runs him over. Driver B also loses control of her car, comes off the road, but doesn't hit a pedestrian and therefore doesn't run anyone over because there was no pedestrian. It appears from these cases that depending on something that is beyond the control of both agents, just one of them will be responsible for a death and will putatively deserve more blame; whereas the other, even though being equally at fault or making the same mistake, will be judged with more leniency and will not be responsible for killing anybody. So then, one driver will be morally luckier than the other one.

The moral luck phenomenon would be the result of a certain tension between the belief that we ought not to blame someone for those of her action's outcomes which are beyond her control and the fact that we judge people for such things that are simply a consequence of their actions. It seems, *prima facie*, that the Control Condition is a necessary condition for moral responsibility attributions:

(1) An agent *A* is to be morally responsible for *x* only if she has (an appropriate) control on *x*.

That is, an agent answerable to moral responsibility has to control her behaviour, in the appropriate degree and in relation to the relevant aspects involved. This also means possession of sufficient factual knowledge and some minimal number of moral beliefs. But, in spite of the intuitive validity of this principle, it turns out that there are cases in which we judge an agent's moral responsibility for something that is beyond her control (in the appropriate level). We can say that, in those cases, an agent *A* is judged morally responsible for action *x*, although *x* or some relevant aspect of

action x , is not under her control. So, we can define the moral judgements involved in cases of moral luck in the following way:

(2) An agent A is to be morally responsible for x although she has not (an appropriate) control on x .

This results in a collision between (1) and (2): in fact, (2) is an assumption of the ordinary practice of making moral judgements. We have, then, a clash between a principle and a practice; and it seems that both of them are fundamental. On this point, some philosophers say that we are so strongly committed to the Control Condition that it is impossible for us to give it up. For them, the Control Condition is essential in order to maintain morality. In particular, it seems that it is a consequence of our idea of fairness that we ought not to judge differently two persons for *doing the same thing*, or for factors beyond their control. A corollary of the Control Condition would like this:

(Col) Two people ought not to be morally assessed differently if the only differences between them are due to factors beyond their control.

Hence, on the anti-moral luck side, either the previous description is wrong or our practices need revising. Others, however, have claimed that it is not possible to renounce our practices and it is the principle that should be rejected.

In addition, the issue is broader than it seems. Moral luck is a wide-ranging phenomenon that extends beyond our assessment of the consequences of certain actions. It also affects our assessment regarding an agent having to face some relevant circumstances, or having received some influences, and not others, or possessing a certain constitution. In this paper, I will only distinguish three main kinds:

a. *Resultant moral luck* is moral luck in the way that actions or projects of an agent result. E1 is a prime example of this kind of luck. Consider also E2. John intends to kill someone, but when he is in the position to do it, he misses his shot. His counterpart Sean also goes ahead and performs all previously necessary actions to kill someone, and finally he doesn't miss his shot. Ordinarily, our evaluation varies; we judge with a higher degree of severity the successful murderer than the unsuccessful one, precisely because of factors beyond their control.

b. *Situational moral luck* is the luck of being in one or other place, at one or other time, that can affect the way we are morally judged. Consider E3, the case of two German citizens with Nazi sympathies. One of them, let us call him Rudolf, because of business, has to move out Germany before Hitler seizes power; whereas the other one, say Adolf, stays in Germany for all the Nazi period. This being so, only Adolf has the opportunity of making his Nazi sympathies effective and becoming, say, head of a concentration camp. We can stipulate that if the émigré had stayed in Germany he would have acted in the same horrible way. But, do we mean that we have to assess the expatriate businessman Rudolf as harshly as Nazi head Adolf? If we answer no, luck will make a moral difference.¹

¹ All these examples (with some minimal variants) comes from Nagel (1976), 'Moral Luck', *Proceedings of the Aristotelian Society*, suppl. 50, 137-152; reprinted revised in Nagel, T. (1979), *Mortal Questions* (Cambridge: Cambridge University Press). I'll keep

c. *Antecedent moral luck*. By antecedent moral luck I mean antecedent factors to the situation in which an agent has to behave, including her original constitution (what has been called *constitutive luck*), but also education, all kind of previous experiences, etc., i.e. character formation, that made her into the person she currently is. Some of those factors may be more important than others. For example, think of a boy whose best friend died in a car accident killed by a drunk driver. As a consequence of this awful experience he avoids any occasion in which he could drink and drive. Or think of a child that is sexually abused and as a consequence develops a subsequent character that makes him into an exceptionally morally sensitive person.

It is important to stress that, in this context, what we mean by “*luck*”—good or bad luck, lucky or unlucky—is whatever is beyond or out of an agent’s control. Moreover, it is part of the issue whether something that is a matter of luck for an agent is, automatically, something which this agent is not morally responsible for.

My overall purpose in this article is to argue that the case against moral luck is not convincing, and indeed cannot be convincingly established. Then, my answer to the title question is “No”. I do not offer a positive account of how to embed moral luck in a coherent conception of morality; my only aim is to criticize the reluctance to acknowledge moral luck.

In the next section, I present the main arguments against moral luck, the supposed conclusion of which is that moral luck is an illusion, i.e. there is not such a phenomenon. Actually, there is basically one main argument, with multiple variations. I will defend that no variation is sound, because the whole argument’s strategy is wrong. First, I will reply to some particular details of this position, and in section III I will argue against the possibility itself that an argument of this sort may be successful. My reason: because it depends on a very dubious notion of *true desert* or real moral worth. The kind of notion of true desert I have in mind is a strong one, usually attributed to Kant: ultimate / true / real desert (or moral worth) *is a strict function of (or proportional to) agent’s control*.

2 The “Epistemic Argument”

As I advanced, the anti-moral-luck theorists claim that the phenomenon of moral luck is an illusion. By the so-called *epistemic argument* they claim that what luck really does is not only to interfere with someone’s moral status, but to interfere with our knowledge of her/him, given that we are not omniscient beings and our knowledge is mediated by the available evidence. A person can be lucky or unlucky regarding what we have evidence to believe that she/he deserves, but it does not mean that luck can

the original cases for the subsequent discussion and renounce to propose my own ones in order to avoid the danger of changing the point. In my opinion, the actual examples used in a discussion (or, especially, in this discussion) are crucial, since different examples often work in different ways. Therefore, I prefer to assess the debate on the commonplace cases. On the other hand, we can wonder whether the accounts given could be generalized in other cases. Of course, my hope, like that of all other philosophers, is that generalization from considered examples is clear, or at least possible.

make a moral difference, i.e., can affect *what she/he really or ultimately deserves*.² Let us see some ways of making this argument more explicit.

Regarding E1, Norvin Richards maintains that if we must treat the two drivers differently, it is because their behaviour does not show clearly that they deserve the same, and our treatment of them would have to reflect our judgement of what they deserve, and of the way we ought to treat them. Then, we can go on, at the same time, with our intuition or principle of control and our ordinary practices of judgement. However, an immediate problem with this sort of argument arises: it identifies with no justification real desert and situations that we can call (putatively) *epistemically clear*, that is, the *successful* situations or situations in which the agent carries out her intentions and plans (or obtains the expected results): the man who commits murder, the driver who runs someone over, etc.³ No doubt, it is not always clear what the intentions of an agent were when she acted, or what she was committed to for the following course of action; but it is unjustified to identify *successful* situations with the situations that shows us the true desert of an agent, more than unsuccessful ones. Why cannot they be equally fallible? Causing harm can be as *accidental* in relation to an agent's intentions (a person who does not intend to cause harm but actually, through bad luck, causes harm) as it can be for another who doesn't cause harm (a person intending to cause harm and isn't successful due to factors beyond her control).

In addition, it is also assumed, without argument, that desert depends on reckless action, i.e. on *negligence*. However, in the case of a driver who runs a person over, the phenomenon of moral luck is due to the important fact that our judgement of (negative) desert seems to arise from his having killed someone, and not from the driver's recklessness. In a lot of cases, it seems that blameworthiness is mainly located in the harm done. Moreover, in some cases it seems that the very negligence (or reckless action) only exists when the outcome is a harmful one. Consider the following example (E4). A mother is bathing her baby. Then, someone rings the door bell. She is waiting for her elderly father. She is alone in the house, and chooses to leave the baby for a moment splashing in the water in order to open the door. She runs to the door, lets her father in and immediately comes back to the bath. Two end scenarios are possible. In the first one the baby is still splashing in the water. In the second one—the tragic one—the baby has slipped under the water and drowned. It seems to me that in these scenarios the negligence or reckless action appears to exist only when the result is harmful; in the case where the mother comes back immediately and her baby is playing in the bath it appears that there is no negligence on her part. Only in

² It is Latus's name; see A. Latus (2001) 'Moral Luck', in Feiser, J. (ed.) *The Internet Encyclopedia of Philosophy*. For this kind of argument, see: N. Richards (1986), 'Luck and Desert', *Mind* 65, 198-209, reprinted in Statman, D. (ed.) (1993) *Moral Luck* (Albany: State University of New York Press), 167-180; J.J. Thomson (1989), 'Morality and Bad Luck', *Metaphilosophy* 20, 203-221, reprinted in Statman, 195-215; N. Rescher (1990), 'Moral Luck', *Proceedings of the American Philosophical Association* 64, 5-20, a revised version printed in Statman, 141-166; Rosebury (1995) 'Moral Responsibility and 'Moral Luck'', *The Philosophical Review* 104, 499-524.

³ Probably the word *identification* is too strong here. What is rather claimed, it could be replied, is that success is an indicator of an agent's commitment, or that even if a particular successful action does not completely reveal the agent's true desert, at least there is an epistemic gain on the agent's moral status. (Thanks both to Dana Nelkin and Josep Corbi for this point.) My following discussion also works for that interpretation.

the case where the baby is injured or even dead, does she become a negligent mother and deserves severe blame. Ordinarily we all take risks, indeed moral risks, but it would be a too hard a view of morality and life to equate blame in both scenarios regardless of the actual outcome.

Of course, I do not deny that an agent's intentions or will have an important role to play in assignment of moral responsibility. But intentions and will are neither the only relevant thing to consider nor always the most important. Then, in case E2 intention (and trying) seems to have a strong weight, more relevant than in E1 (regarding drivers, perhaps recklessness is more important), or in other more controversial cases, when a harmful outcome due to an agent's action takes place but no intention of bringing about this state of affairs is present in her.

But things are more difficult when we move on to consider *situational* and *antecedent luck* and look at the role luck also plays in the very formation of an agent's intentions.

3 The 'Epistemic Argument' Counterfactually Extended

Here, anti-moral-luck theorists cite cases that point to the fact that a person can deserve being morally treated in a way that it is not the result of what she has done, but of *what is plausible for us to think she would have done if she had had the chance*. Maybe this move is *prima facie* intuitively appealing. But once we separate too much counterfactual situations from actual ones, this intuitive character definitively disappears.

Michael J. Zimmerman has significantly argued in this way. His strategy follows this schema:

Given the Control Condition,

- If (i) P made decision *d* in what he believed to be situation *s*,
(ii) P* would have made *d* if he had been in a situation that he believed to be *s*, and
(iii) P*'s being in a situation that he believed to be *s* was not in his (restricted) control,⁴

Then: whatever moral credit or discredit accrues to P for making *d* accrues also to P*.⁵

This principle appears to support Zimmerman's position that both are equally praiseworthy or blameworthy. Regarding situational luck, Zimmerman claims that even

⁴ He employs a preliminary breaking down of the puzzle by distinguishing two types of control. *Restricted control*: "One may be said to enjoy restricted control with respect to some event just in case one can bring about its occurrence and can also prevent its occurrence." *Unrestricted control*: "One may be said to enjoy unrestricted control with respect to some event just in case one enjoys or enjoyed restricted control with respect both to it and to all those events on which its occurrence is contingent." Zimmerman (1987) 'Luck and Moral Responsibility', *Ethics* 97: 374-386, at p. 376; reprinted in Statman 1993. Doubtless, our concern is with restricted control; unrestricted control is impossible to attain.

⁵ Zimmerman (1987) 381.

though, in the pro-Nazi case, there is nothing that we can hold the counterpart responsible for—the *scope* of the agent’s responsibility is 0—indeed we can and should still hold him responsible to the same *degree* as the Nazi sympathizer. He is responsible *tout court* even if he is not responsible *for* anything (2002, 565). As Nelkin summarizes this position: “He is responsible in the sense that his moral record is affected for better or worse in virtue of something about him. For there is something in virtue of which he is responsible, namely, his being such that he would have freely performed the very same wrong actions had he been in the same circumstances as the Nazi sympathizer.”⁶ But this something about him in virtue of which he is responsible, in Zimmerman account, can be neither his actual intentions nor his own character, given that they are factually formed.

However, by arguing in such a way one ignores the very rationale of what makes situational moral luck especially puzzling, i.e. the fact that our having to face some situations and not others normally has a repercussion in the specific intentions we actually develop. Although in a case of situational moral luck both agents share, in a sense, their intentions or will, their being in relevantly different contexts makes a difference in the *determinate* intentions each of them have. So, although in E3 the Nazi sympathizer and the émigré share the will of working in favour of the Hitlerian regime, even so the different circumstances they live in make it so that the particular intentions and actions they carry out are relevantly distinct to the extent of making a difference to the moral assessment that each one deserves. And, moreover, there is also the issue that, in several aspects, it is obvious that performing or acting out of some bad character traits or intentions is worse than just possessing them but not acting out of them. That is, it is not only the fact of being one way or having some dispositions that is morally relevant, but also the actions caused by these dispositions. Think, for instance, of your grandfather, who sincerely hates immigrants and claims that all of them should be expelled from the country, but when he meets one of them in the queue of a government office he treats him with all due respect. Here, the fact of meeting an immigrant on the queue is what makes the difference in the judgment he deserves. Of course, one can reply that such behaviour shows he does not really hate immigrants; instead, he would be victim of a kind of self-deception. But it is just this test (to act or not to act on the disposition) what discloses the situation.

Finally, consistent application of the idea of responsibility *tout court* —a consequence of “taking the control condition seriously”—, involves that all those who, in certain given circumstances, would freely have acted in the way the Nazi collaborator did, are indeed as *equally* blameworthy as he is. Then, the conclusion is that we all are to blame (and to be praised) for countless things “we do not even imagine” (1987, 226), given that we have different counterparts in possible situations in which we would have acted wrongly, and that a differential judgement in virtue of factual considerations is not justified. But this yields an exaggerated revisionist position that widens unlimitedly the range of what we all are responsible for. Were it actually the case, the result would be an unacceptable increase or mitigation—indeed, a neutralization—of the very concept of moral responsibility, ultimately making illegitimate most, if not all, of our ordinary judgments—a result already anticipated by Nagel.⁷

⁶ See Nelkin, D. (2004) “Moral Luck”, in Zalta, E.N. (ed.) *The Stanford Encyclopedia of Philosophy (Spring 2004 Edition)*.

⁷ See Nagel (1979) 26.

4 Kinds of moral assessment

An important difficulty, in trying to understand what the real problem that arises from the moral luck phenomenon is, is the diversity of practices of moral valuation and assessment we are involved in, as well as the opacity of the distinction among their different kinds. The broad sort of moral judgments which we are concerned with here is the moral assessment of agents or persons. And it is within this category where the relevant distinction must be drawn. It seems that opponents of moral luck must offer a successful taxonomy of the kinds of judgments which fits our ordinary practices—or show why we need to change them—and also shows that there is one privileged kind, which is fundamental and luck-free.

A straightforward move has been to distinguish between different kinds of blame or judgment guided by different purposes. We ordinarily blame people for bringing about negative events with the pretension of changing their behaviour, regardless of whether they really deserve blame. Overt blame over a person is one thing, and real blameworthiness a very different one.⁸ In other words, there are here at play two distinct sorts of assertion with divergent purposes: *acts of blame* consisting of subjecting someone to overt blame, typical of reproaches, reprimands, etc.; and the *verdictive judgments of moral blameworthiness*, where the speaker's primary intention is to give an impersonal verdict applicable to anyone whose actions are akin in the relevant aspects, and with the purpose of judging someone as a morally deserving blame.⁹ In this scenario, just the driver who runs over a pedestrian is overtly to blame—not the driver who runs over nobody. But both will be equally blameworthy. Then, luck could make a difference just in the amount of overt blame someone receives, but not in her blameworthiness or genuine moral judgment one deserves.¹⁰

Certainly, this strategy makes use of the classical controversy about whether praise and blame are a function of desert or whether they can be appropriate in order to achieve a desired consequence, say, changing an agent's behaviour or making a social benefit. But, in addition, we can distinguish different kinds of moral assessment regarding different aspects of the agent. We can say that someone is praiseworthy or blameworthy, but also that is virtuous or vicious, that her character is good or bad, that she made a good or bad action.

In Zimmerman's account, three kinds of agent's moral assessment are distinguished, i.e. aretaic, deontic and moral responsibility judgements, but only the last is the fundamental regarding desert. To him, the successful murderer and the unsuccessful one must be morally assessed exactly in the same way; although one is responsible for *more things* than the other, both men are responsible to the *same degree*, and this is the kind of moral assessment to which the Control Condition applies. "Degree

⁸ See J.J. Thomson (1989), 'Morality and Bad Luck', reprinted in Statman 1993, at p. 200-3.

⁹ See H. Jensen (1985), 'Morality and Luck', *Philosophy* 59: 323-330; reprinted in Statman 1993.

¹⁰ Richards (1986) and Rosebury (1995) do not strictly distinguish among two or more kinds of judgments, but between the judgments we are justified to utter, given our cognitive faculties and available evidence, and real desert.

of responsibility counts for everything, scope for nothing, when it comes to such moral evaluation of agents.”¹¹ Hence, luck becomes irrelevant: both men are *equally* responsible *tout court* and have the same moral worth. If the amount of things one is responsible for, had any relevance, it would be to *deontic judgments*, or also to judgements about vice and virtue, which are open to luck.

I acknowledge that those strategies employ the distinction among different sorts of moral assessment that partly pairs with the plurality of our ordinary practices, their different purposes, or even to deny their different connexion with desert. However, the case against moral luck depends crucially on making a real distinction between a fundamental kind and the other ones. This idea is linked with the notion of a person’s true desert which refers to what essentially a person morally deserves, to her essential moral core.¹²

In particular, my claim is that, in order to work, this strategy must show (i) that there is a privileged (fundamental) kind of moral assessment, and (ii) that this kind is luck-free. This sort of fundamental moral evaluation would reflect the agent’s unconditioned true desert, which need to be characterize as action-independent, and even actual-character-independent (or actual-will-independent), as we will see. My objection to this strategy is, on one hand, that there is no unique privileged kind of moral assessment, but this a claim that I will not follow here. Instead, I will assume that there is such a kind of moral assessment which is a function of the agent’s true desert and, by pursuing it to its logical conclusion, I will conclude that it finally collapses.

Then, my argument works as a *reductio*, in this way:

1. There is a kind of (moral) assessment that is luck-free.
2. Necessary condition: this kind of assessment is necessarily a function of a person’s true desert.
3. Conditioned true desert is insufficient (luck is not finally ruled out).
4. But the idea of an unconditioned true desert is unintelligible.
5. Then, no true desert (3-4).
6. Therefore, no luck-free kind of moral assessment (5, 1-2).

I will focus on the notion of unconditioned true desert, since it is crucial to the argument in favour of a privileged kind of luck-free moral assessment.

5 No True Desert

The notion of true desert, which pairs with the idea of ultimate moral responsibility, contrasts with more factual sorts of desert and responsibility—or simply less *moral* ones. It is a kind of responsibility that is supposed to be perfectly accurate and rational, and whose attributions are founded on the agent’s absolute control of her

¹¹ M. Zimmerman (2002), ‘Taking Luck Seriously’, *The Journal of Philosophy* 99, 553-576, at p. 568. See also Zimmerman (1987).

¹² I will mainly use the idiom “true desert”, but I take it as synonymous of real desert, ultimate desert, or even moral worth—only for the purpose of this discussion.

deeds, and therefore completely luck free.¹³ These attributions would consist in absolute, timeless judgments so long as they are free of any purpose or aim, and make up an ideal agent's moral record, which is not conditioned by circumstances of any kind.

Then, actions, as external to the agent and not free of contingencies, cannot be the locus of ultimate responsibility or true desert. However, character, intentions or will cannot be better replacements. Even determining an entry in one's ideal moral record by function of some of her dispositions, it turns out that what dispositions she has is partly a matter of luck.¹⁴ Then, if luck appears on stage we are not solving the issue, but simply postponing it—and, remember, true desert cannot be a matter of luck in anyway. A move open here to the anti-luck theorist would be to recommend (as a partial answer) the distinction between a 'factual true desert' and an 'essential true desert'.¹⁵ The factual true desert is a function of what one would have freely chosen and done in a diversity of situations, *given the person's actual history*. The essential moral desert is a function of what the person would have freely chosen and done in a diversity of situations, *including a diversity of possible histories*. The factual true desert depends on those dispositions one has, given her factual history; and the essential true desert depends on a broader set of dispositions, which *includes the agent's counterfactual possible histories*. It is the latter which would keep luck free in the way required to avoid moral luck.

In this picture, we are mainly held with two main kinds of moral assessment: that which assesses an agent's *moral record*, and that which assesses her *true desert*, a function of what the agent *would have done*, in all those counterfactual possible histories of hers. However, by splitting up an agent's actual moral record from her true desert, a big gap emerges, and this is an undesirable consequence; and, what is more, it is ultimately an insuperable gap. On one hand, the notion of (essential) true desert turns out to be impossible to know and fix, even in ideal conditions. And, on the other, the link between an agent's actual moral record and her essential true desert is irremediably broken.

Now, the anti-moral-luck theorist might acknowledge that it is really difficult to make a judgment about true desert or essential moral worth, but this does not imply radical scepticism about true desert. Limited judgments about true desert can be reasonable, even though we must be very cautious about making them.¹⁶ A putatively positive consequence can be drawn: this sort of reasonable scepticism about true desert would undermine our righteousness when blaming others who faced situation less

¹³ See J. Feinberg (1962) "Problematic Responsibility in Law and Morals", *The Philosophical Review* 71: 340-351. Reprinted in Feinberg (1970) *Doing and Deserving: Essays in the Theory of Responsibility* (Princeton, NJ: Princeton University Press), at p. 344.

¹⁴ As I have already said, intentions and will are neither the only relevant thing to consider nor always the most important. In case E2 intention (and trying) seems to have a strong weight, more relevant than in E1 (regarding drivers, perhaps recklessness is more important), or in other more controversial cases, when a harmful outcome due to an agent's action takes place but no intention of bringing about this state of affairs is present in her.

¹⁵ For this strategy, see J. Greco (1995) "A Second Paradox Concerning Responsibility and Luck", *Metaphilosophy* 26: 81-96, at p. 94. He talks of 'factual moral worth' and 'essential moral worth'.

¹⁶ This position is defended by Richards (1986) Greco (1995), and Rosebury (1995).

lucky.¹⁷ Nevertheless, this is a move more easily accessible to the moral luck defender, without the necessity of positing such an entity as true desert.

Another reply might be like this: a person's moral record is a sign of her true desert; circumstances in which a person indeed chooses and act are a subset of the overall range of circumstances in which that person would have chosen or acted; "a person's moral record provides a window on that person's moral worth".¹⁸ But it is not very hard to see that, once we dissociate true desert from our moral record, the link between them is definitively cut, and to stop at that moderate scepticism or to talk in terms of such a magic window is just the result of a decision, or a mere act of faith.

Anyway, those kinds of moves make us to lose sight of our issue—the issue we really have to tackle. The moral luck issue refers to our ordinary moral practices of assessing agents, not to logically possible scenarios. It is not impossible to understand praise and blame as a reflex of a pure kind of desert, but that would take us into another debate, and we would lose sight of their role as guides in our interpersonal relationships. The moral luck phenomenon introduces a relevant difficulty in these practices, but we won't find the answer outside them. Appealing to such a thing as an essential moral worth or an ultimate true desert does not solve the issue.

Moreover, if the problem has arisen in terms of a clash between two incompatible intuitions, what are our common intuitions about the distinction between a factual true desert and an essential one? I find it much more intuitive to say that the *real* moral status of a person is made up by a large set of actions and the development of her character and identity. And though we often distinguish between what someone has done and what she would have done, that fact does not justify the talk of an essential true desert, whatever her moral record. If it is meaningful to talk of a person's real desert or moral worth, it will be in connection to moral record, i.e. her actions, omissions, mental states, will, character, and so on, that she actually has, and unavoidably acquired by the intervention of a lot of contingent factors.

The very dispositions of an agent depend partly on factors beyond her control. One option is still going back and making use of the dispositions the agent would have had given her *counterfactual possible histories*. But by making this move, the proponent of an ultimate true desert takes progressive steps backwards that ultimately reduce the agent's identity to nothing, to a bare self with no properties. Pursued to its logical conclusions, the anti-moral-luck position, which rests on the idea that what ultimately matters is *only what exclusively depends on the agent*, becomes meaningless, since it happens that finally nothing *exclusively* depends on the agent. In other words, there is finally no agent on whom anything might depend. Certainly, it is quite legitimate to feel that attributions of moral responsibility must be deep, must reflect something "really belonging to the person". And, then, it is a fair aim to try to separate, to a certain extent, some more internal traits of an agent from external formative and environmental factors. However, that cannot carry an image of the agent as essentially consisting in a fixed or substantial self that stands behind her various psychological and physical dispositions. But this is exactly the image of the self that is a necessary presupposition of the radical argument against moral luck.

¹⁷ Greco (1975) 93-4.

¹⁸ Greco (1995) 93. Something like this is also needed in Richard's account. See Richards (1986).

6 Final Remarks and Prospects

My main point has been to discredit the strategy of appealing to the notion of an ultimate true desert, as a perfect function of the agent's strict control, to explain away in general the phenomenon of moral luck. When we pursue this idea to its ultimate consequences, it becomes just an unintelligible idea that deserves to be dropped. Settling this point means to me that, to the extent that a global case against moral luck necessarily presupposes this notion, no general argument against moral luck can ultimately work. However, this does not mean that all kinds of moral luck are thereby vindicated. Independent arguments are needed for different kinds of moral luck—particularly, resultant and situational moral luck. But, once we discredit general intuitions against moral luck, then to try to avoid at any price that luck interferes with our moral judgments becomes senseless.

From my conclusion, it follows is that the link between control and desert cannot be as strong as it, *prima facie*, seems. To receive what one deserves is, maybe, just a part of fairness or justice. At least from the point of view of the actual practice of judging, the notion of true desert cannot be more than an unreasonable ideal. In any case, I do not intend to deny such a link between control, fairness, and desert; it appears as morally undeniable and worth pursuing. The main difficulties lie in the very notions of desert and control—especially the latter—which are in need of further investigation.

Let me finish with some roughly stated prospects for an account of how to embed moral luck in a coherent conception of moral responsibility and morality. As seen, the issue of moral luck is usually presented as a clash of intuitions, a clash between a particular intuition or practice and a principle or general intuition. However, we should distinguish, at least, these three levels: (1) (particular) practices of moral judgment, (2) (folk) beliefs and principles regulative of those practices, and (3) theoretical/philosophical views of moral responsibility attributions. It would be useful to connect this analysis of the concept of moral responsibility with the current discussion on revisionism and theory construction, and also with the variantist literature on moral responsibility and some related meta-philosophical worries. Anyway, it would be worthy to pursue the idea that neither our practices of moral judgment, regarding the moral luck issue, are especially in need of revision; nor are our folk beliefs, as long as they are not particularly influenced by some theoretical views of moral responsibility attributions. We just need to re-interpret some of our folk beliefs.¹⁹

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