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1

Moral Luck

1.1 Introduction

A few decades after Williams' article introduced to philosophy concerns about moral luck, the term remains essentially disputed and the questions raised by it partly unanswered. Part of the problem is that Williams captured a deep unease about responsibility and luck. In the discussions that followed the original paper, commentators have tried to either resolve or discard this sense of unease, or show how it can be accommodated from within their particular theoretical perspective.

This chapter will serve the dual purpose of attempting to explain what is meant by moral luck and throwing some light on why it has been such a perplexing and stimulating philosophical topic. This is important because, although the tension implicit in the term is clear enough, we do not have a clear definition of the term itself, nor do we have agreement over the kinds of examples which are genuine examples of moral luck or how these, genuine examples, might differ from cases of simple bad luck.

1.2 Luck

'Luck' is an unclear term because it can be understood in different ways. In one sense it can be discounted entirely. This is the sense of luck as superstition, that is the sense in which a person may carry a rabbit's foot for 'good luck'. The assumption here is that luck is a property of the rabbit's foot which acts as a magnet, drawing some advantage towards the possessor of the lucky item. This kind of luck is clearly non-existent. Similarly, some people may feel very lucky on a particular day or may take past instances of favourable outcomes as evidence that *they* are lucky. However, luck is not a property or a force of nature, or a gift of the gods,

that attaches itself to certain people and gives them a particular advantage in the way a skill would. Accidental advantages are not merited, nor can we make inferences from previous 'lucky' instances to the possibility of replicating such 'lucky' situations. Furthermore, we cannot take credit for the supposed effects of luck. If by 'luck' we mean something outside anyone's control, then merit, praise or credit for the effects of luck cannot be due to anyone and, further, we cannot predict when lucky situations will occur or do anything to bring them about.

Despite these considerations, the idea that luck rubs off particular objects and people, or the idea that certain actions will bring about good luck as if the phenomenon was somehow consciously controlled, persists. However, the grounds for this persistence are not that such luck exists, but lie rather in the psychological make-up of human beings, that is something along the lines that we are insecure about the future and tend to favour ourselves and tend to rely on supposed occult powers and forces for security and extra help. As far as psychology is concerned, our reactions to luck as superstition can be very interesting, for example it seems that people tend to claim good things that happen to them as related to their own agency, whereas they attribute bad things to luck – a student may think of good essays as the result of hard work, whereas bad essays are due to bad luck. In this sense, then, good and equally bad luck do not exist.

A related way in which we speak about luck involves cases where we accept that there was some chain of causation, but it was so complex and outside our understanding that it appears random. In this sense, it is a matter of luck whether I will win the lottery. There is a chain of events that leads to my winning the lottery, involving physical laws about gravity and the movement of objects which control the spinning of the number balls and so on, but this chain is so entirely outside my ability to predict that it appears random, a matter of luck:

Causation can be entirely inscrutable – utterly lost in a tangled web of coincidence – and still be causation... when we think of cases of causation we almost invariably think of cases where the relationships are laid bare, where the actuality or at least the practicality of control by an agent is manifest. Some cases of causation are called 'randomizing' processes precisely because of their uncontrollability.¹

If I have to choose between two options, the reasons behind both being balanced so perfectly that I cannot make a choice, I may leave the outcome to luck by tossing a coin. This does not mean that some peculiar force

takes control of the outcome, or that coins are endowed with a peculiar property, rather than that the chain of causal events that lead the coin to fall heads or tails is so complex as to be, practically, out of my control. Such cases, of evenly balanced choices, are cases where we actively want to give up control of the decision which we cannot make and toss a coin for precisely that reason.

Cases of luck can sometimes be misidentified as cases of *moral* luck. Williams has illustrated how it is possible for an agent to feel regret for an act for which we would not hold him responsible.² The lorry driver who accidentally and *non-culpably* kills a child can feel regret that something terrible happened and that he had a special relation to that happening, but this regret is not evidence of his moral blameworthiness; rather if anything it is evidence of his sensitivity. It was the driver's bad luck to be driving at a time and place which meant he was the one who hit the careless pedestrian, but this is not moral luck as the case is set up so that the driver is not morally culpable for what happened. The driver was not negligent, irresponsible, inattentive and so on. If there is fault to be found, it is to be found with the pedestrian, but as he paid for this mistake with his life, this point is not usually dwelt upon. That the driver has moral feeling about what happened, that is he feels regret and maybe even guilt, is an understandable reaction to the fact that he was associated with the death of another human being, even if this association was non-culpable. Williams' example seems, to me, to illustrate that one can be the subject of bad luck, and can even have what would be morally relevant feelings about the situation, without this necessarily being an example of bad *moral* luck. This particular kind of regret involves a first-person standpoint, as it is intricately connected with the thought that it was *me* who brought about this event, in such a way that it differs from spectator regret. Also, because of such considerations, it must have a particular kind of psychological content, appropriate to the agent but not necessarily shared by spectators and by-standers. Finally, it also has a particular kind of expression, involving a wish that one had not done the act, even while recognizing that one is not morally culpable for doing it.

Cases of luck, then, involve an outcome which is outside our control (or comprehension) and at the same time involve a certain evaluative status.³ Cases of moral luck involve a judgement of responsibility, of moral praise or blame. Cases of luck involve some kind of good or bad result in terms of a benefit, a disadvantage, a loss and so on. To borrow Rescher's example, a cloud momentarily shading a passer-by is not an example of luck, since this is indeed a chance but indifferent event. So

we, as agents, stand in a specific relationship to cases of luck and an even more complex, and possibly problematic, relationship to cases of moral luck. Even instances of plain luck can have moral overtones. Consider a case where a fairly well-off person wins the lottery; there is a sense in which we feel this outcome is unfair even though everyone else had an equal chance of winning. Sometimes then, we, perhaps irrationally, resent the very 'blindness' of luck, the very fact that lucky outcomes are neither fair nor unfair.

In general, we need to be aware that responsibility, blameworthiness and a desire to make reparations do not always go hand in hand. For example, I may slip, fall and in falling break your beloved vase. I am responsible for breaking the vase, but not necessarily to be blamed as slipping is something that could have happened to anyone,⁴ but at the same time I may also feel obliged to buy you a new vase because *I* broke it, even though I did so non-culpably.

Many of the recent discussions on moral luck rely on examples in order to capture what seems puzzling about the phenomenon. However, some of these examples have to be treated with caution as they can be misleading. Nagel seems to misidentify a case of bad luck as one of bad *moral* luck, when he writes:

Circumstantial luck⁵ can extend to aspects of the situation other than individual behaviour. For example, during the Vietnam war even U.S. citizens who had opposed their country's actions vigorously from the start often felt compromised by its crimes. Here they were not even responsible: there was probably nothing they could do to stop what was happening, so the feeling of being implicated may seem unintelligible. But it is nearly impossible to view the crimes of one's own country in the same way that one views the crimes of another country, no matter how equal one's lack of power to stop them in the two cases. One is a citizen of one of them, and has a connection with its actions (even if only through taxes that cannot be withheld) – that one does not have with the other's. This makes it possible to be ashamed of one's country, and to feel a victim of moral bad luck that one was an American in the 1960's.⁶

The American citizens' relationship to their own country, which is perpetrating a moral injustice, may explain their feeling of regret, but this is a case of agent-regret like the lorry driver who stands in a non-culpable way related with a morally regrettable event. It is bad luck that some Americans were citizens of a country which acted beyond their control

in perpetrating an immoral act; an immoral act which they rightly disapproved of. However, this is bad luck and not bad moral luck, as we do not hold these individuals morally responsible or treat them as objects of moral judgement in this case. Within a democracy there is limited scope for an objecting minority to influence a government's course of action, so provided that these citizens did what they could within the confines of democracy to voice their opposition, one cannot hold them morally responsible for America's actions. Like the lorry driver, these citizens may still feel guilt and regret for what their country did, but that is because they are decent human beings and regret being associated with such immoral actions even if they could not and were not expected to control them.

Although we ought to be careful to distinguish between cases of luck and cases of moral luck, we must also recognize that sometimes cases of bad luck may give rise to situations of bad *moral* luck. It is bad luck that a particularly anti-social family move into the house next door to yours, but the nuisance they cause and the fact that you live next to them is only bad luck. However, this particular situation may create bad feelings between the neighbours and ultimately result in a situation in which you are tempted to act in an immoral way in order to get your own back at the neighbours. That an agent has found himself in a situation where he is tempted to act immorally has now become a case of bad moral luck.

Finally, related to the concept of luck is the concept of risk. Although this is a topic deserving attention in its own right, it is worth making a few brief remarks on risk. There is a sense in which people are said to 'make their own luck'. The expression relates to managing luck, by managing outcomes which are out of one's control. This can be done by minimizing or attempting to altogether avoid risk. If luck is about one's inability to control a situation, then there may be instances where one can prudently avoid such situations or avoid becoming incapacitated in the first place. Of course, given the nature of luck, such cases will not always be avoidable or even foreseeable, but the point is that some may be, although not in the sense of harnessing luck by possessing a rabbit's foot. By managing risk one can avoid some of the effects of luck. For example, the student who works so hard that he prepares every aspect of the course he will be examined on avoids the unlucky situation where the questions asked are not the ones he can answer. However, even such thoughts on how risk may be partially managed are not problematic, giving rise to concerns over how we should understand concepts such as negligence and recklessness.

1.3 Moral luck: Examples

Perhaps the best way to understand what is involved in cases of moral luck is to examine the numerous examples put forward by philosophers as instances of the phenomenon. It is a familiar philosophical picture that reason is what makes us different from animals and gives us the ability to make choices, and therefore it is in virtue of our ability to reason that we are held responsible for who we are and what we do. According to some accounts, luck can even attack this last vestige of independence, as it can influence constitutive factors relating to our ability to reason, the development of our rational faculties, opportunities for exercising reason and so on. The recent revival of interest in the possibility of moral luck started from an article by Bernard Williams, in which he used the possibility of luck to attack an all-powerful conception of reason.⁷ In that article, Williams put forward the case of the artist Gauguin which has now become a focal point in discussions of moral luck.

Gauguin is an artist who chooses to abandon his family in favour of a life of artistic creativity that eventually leads him to produce the masterpieces admired by the world today. At the time of the decision he cannot know whether he will succeed or not and Williams argues that:

the only thing that will justify his choice will be success itself. If he fails... then he did the wrong thing, not just in the sense in which that platitudinously follows, but in the sense that having done the wrong thing in those circumstances he has no basis for the thought that he was justified in acting as he did. If he succeeds, he does have a basis for that thought.⁸

He adds that this justification may not necessarily mean that Gauguin can justify himself to others.

Williams puts this example forward as a case of moral luck, because whether the agent's decision is justified or not depends on the success of the act, which itself is outside the agent's control; that is Gauguin cannot control, at the time of having to decide whether to leave his family, whether he will become a successful artist or not. The example is ultimately an attack on the power of reason to make decisions since in cases of retrospective justification such as this, the agent can never know, at the time of decision-making, all the elements necessary to making a justifiable decision.

In order to understand Williams' example, we have to first discount two ways in which it can be misunderstood.⁹ One way in which this

can happen is to misidentify the way luck may affect how things turn out. Williams himself is aware of this possibility and draws a distinction between luck external to the agent's project and luck internal to the project. The distinction emphasizes the idea that it matters exactly how the project fails to come off. If Gauguin suffers an injury on the way to Tahiti which prevents him from painting again, his project fails, but this failure does not make the project unjustified. In such a case, Gauguin will never know whether he was right or wrong to leave his wife, and is a case of luck external to the project. What matters is luck internal to the project which has to do with 'how intrinsic the cause of failure is to the project itself',¹⁰ in this case whether he fails as a painter. It is only this kind of internal luck that can unjustify the project.

The second way in which Williams can be misunderstood is to argue that such internal luck could have been avoided had greater care been taken at the time of making the decision. If such an analysis were correct, then the example would not be one of retrospective justification resulting from luck, but rather an example of an agent failing to take due care and attention when making the decision. Williams' point seems to be that it is crucial to the description of a case of retrospective justification that the information relevant to the decision could not, in principle, have been available to the agent at the time of decision-making. In a later postscript to the original article Williams clearly states:

The third question raised in this article ['Moral Luck'] is that of retrospective justification, and this is the widest, because it can arise beyond the ethical, in any application of practical rationality. It is the question of how far, and in what ways, the view that an agent retrospectively takes of himself may be affected by results and not be directed simply to the ways in which he or she deliberated or might have better deliberated, before the event.¹¹

Thus, the example is important because there is no way in which the agent could or might have deliberated better in order to avoid the influence of luck and Williams is intending to outline a powerful attack on the power of reason to deliberate morally.

The Gauguin example, then, was introduced by Williams in order to illustrate the possibility of moral luck and is frequently referred to by other commentators for the same purpose. I am not sure, however, that it has been correctly identified as an example of moral luck. Williams sees Gauguin as having to decide between the demands of morality, in the form of his obligations to his family, and non-moral considerations

based on his preferences as to what sort of life he should live.¹² Moral success for Gauguin's project derives from the good his paintings will yield for the world. I want to argue that there are two moral questions here that Williams is distorting into one. First, I think that initially Gauguin is faced with a moral dilemma, not a dilemma between a moral and a non-moral option. On the one hand, he is confined by the moral demands of his family (we can assume that they have a legitimate and just moral claim on him), however, on the other hand, he is attracted by the moral demand to develop himself and fulfil his potential as an artist. Suppose that Gauguin did not have a family, recognized that he had to move to Tahiti in order to mature as an artist and find the inspiration necessary to exercise his talent, but still contemplated not going because of some trivial reason. In such a case we could argue that he has an obligation to go, and that this is a moral obligation.¹³ If this is correct, then in the Williams case, Gauguin has to decide between competing moral obligations.

Secondly, given that Gauguin has to make a moral decision, it is not success or failure that justifies the project, but rather the reasonableness of expecting that one's project will succeed or fail. Gauguin's decision should be judged on the grounds of the reasonableness of his motive and its results. In order to understand why this is so we have to consider two variations on the original example.

In the first case Gauguin has shown great promise as a painter and it is clear to everyone that his project of going to Tahiti has a great chance of succeeding. When making the decision, there is a very small risk of failure, which makes the decision justified at the time. However, although this estimation of risk was and remains correct, Gauguin is unlucky since the 5 per cent chance of failure does actually come about. In this case Gauguin's original decision is still justified despite the ultimate failure of the project, because this was a reasonable project at the time of its conception.

In the second case, Gauguin has, and is aware of having, a very small chance of success. Despite this he still goes to Tahiti. It seems that this decision, at the time it is made, is unjustified because of the great risk taken. However, although the risk was correctly estimated and remains high, Gauguin is lucky and he succeeds as a painter. His original decision remains unjustified despite the success. It was a matter of luck that he hit upon the 5 per cent chance of success. To abandon your wife and family on a slim chance of turning into a great painter is callous, irrespective of whether you succeed by a fluke of luck. The fact that this decision is unjustified is available to Gauguin at the time it is made and there is no element of retrospective justification.

The example can become more detailed if we also consider what is meant by success by distinguishing between two kinds of success: personal and public success. The first has to do with the agent himself. A project will be successful for a person if he achieves his own goals and standards, which may not necessarily be shared by others. Thus, a runner may consider it a personal success that he completed the London Marathon, even though he never came close to being placed. The second kind of success appeals to general standards of success and may not coincide with the first. Thus, a runner may be considered successful by others as he has just won the London Marathon, but he may consider the result a failure for him as he knows he did not try for or achieve his best time. From an Aristotelian perspective,¹⁴ emphasizing the importance of leading a fulfilling life, for example, Gauguin's goal is personal success and he will be in a better position to assess the viability of his project the more self-aware he is. He may be personally successful as, objectively, a terrible painter, as he finds this life fulfilling. If Gauguin is aiming at public success he needs to evaluate his ability as a painter objectively, as well as the market for paintings of this kind. Williams considers and discards as absurd the idea that Gauguin is justified if he is reasonably convinced he is a great artist at the time of making the decision. However, it seems to me that this is because of a misunderstanding of the 'reasonableness' of the project. Williams rightly points out the implausibility of consulting professors of art to establish reasonableness, but this is not the kind of reasonableness I am appealing to here. Self-knowledge, awareness of one's weaknesses and strengths and an understanding of the requirements for individual fulfilment are what is required here and the development of these aspects of one's character is required as part of the moral project.¹⁵

At this point, one could raise problems with this appeal to probability and indeed Slote does so.¹⁶ One possible objection is that we are making moral blameworthiness dependent on estimations of probability, which in turn may be problematic. Slote mentions problems about subjective versus objective probabilities, and questions whether the probability estimate refers to that made by a reasonable person or whether it is relativized to the individual.¹⁷ These sorts of considerations may need to be addressed if this account of blameworthiness is to work, but they are not as central to the account as Slote assumes. This is because this account of blameworthiness does not essentially rely on probabilities. Although it makes references to probabilities, they are simply a way of determining character traits. It is not the probabilities *as such* which make a difference to the moral judgement of the agent, rather the fact

that this agent took a great risk despite the high probabilities against success. To take a great risk with the welfare of others, where the probability of success is low and where only *you* are to gain from success, exhibits callousness and lack of regard for other people. So what the agent is held responsible for is the callousness and recklessness his action exhibits; the probabilities *merely show* why this was a callous act. An understanding of the probabilities involved is necessary in order to understand exactly what was done; we need to appeal to the high probabilities against success to be able to describe the act as 'taking a great risk'. Now if we combine the risk taken with other elements of the act, such as the fact that the risk was taken on behalf of non-consenting others towards whom one has an obligation, then it is clear why this is a reprehensible act. This kind of account of what was done need not appeal to consequences to demonstrate blameworthiness, because the blame is apportioned to the act that exhibits the undesirable character trait, regardless of whether the negative consequences did come about or whether they were avoided due to luck.

It seems, then, that although Gauguin's case can include elements which are down to luck, these elements bear no weight in the moral evaluation of the agent's decision and therefore, this is not a genuine case of moral luck. Luck may enter into the general understanding of what went on in the Gauguin example, but it does not affect the moral evaluation of the agent. Thus, the example, although it is intended to be an illustration of moral luck, has been misidentified as such.¹⁸

This problem of misidentifying certain examples as cases of moral luck is not uncommon. It seems to stem from an unclarity over what is meant by 'moral luck' and an attempt to explain the term by appealing solely to examples. Williams similarly misidentifies other examples he discusses as cases of moral luck; he sees the case of Anna Karenina as another example of retrospective justification (or unjustification in this case), a project which fails because of intrinsic bad luck. However, it seems to me that Anna Karenina's failure is apparent at the time the decision is taken as a failure in deliberation and in allocating the correct weight to the social considerations and personal character weaknesses which ultimately doom her relationship with Vronsky; again, at least partly, a failure in self-knowledge and understanding of others and one's relationships with them. As such the decision is wrong at the time it is taken, and this is merely illustrated to Anna at a later time, rather than retrospectively unjustified by the outcome of the action. Furthermore, it seems unclear why the failure of the project is a matter of luck in the first place. The relationship fails because of Vronsky's weak character,

an evaluation of which is something that Anna did not perform successfully. The only sense in which luck may play a role would be if one were to argue that who Anna fell in love with in the first place was a matter of luck.

An idea that seems to emerge from such examples is that making certain decisions is very hard and may require sophistication in one's reasoning abilities, a great degree of self-knowledge and ability to evaluate one's own motives, as well as experience of judging other people and so on. The idea that certain decisions are very difficult and challenge the all-powerful conception of reason is a very interesting one and one which has been taken up by other writers.¹⁹ However, the idea that reason is not all-powerful is a distinct issue from discussions about the influence of luck. The Gauguin and Anna Karenina examples are misidentified as cases of moral luck and there have been other examples of decisions made under uncertainty which have been misleadingly presented as cases of moral luck.

Nagel puts forward the historical case of Chamberlain's betrayal of the Czechs. It seems to me that our moral characterization of Chamberlain should remain the same regardless of whether bad luck determined that his original act had unexpected, unacceptable repercussions. The act that reveals Chamberlain's character flaws is his betrayal of the Czechs, the direct outcome of which was something that he took into account when he made his decision. The historical fact that this act had further morally unacceptable repercussions does not make Chamberlain a worse person. The reason why he is 'a household name' is because the results of an act that is associated with him affected millions of households. This is more the result of the nature of politics and the accountability of politicians, that is that the public tend to hold politicians more accountable if their acts affect their electorate directly, rather than some faraway and little-known country. Chamberlain is similar to the lorry driver in that he is not morally responsible for what he did as he acted as well as we could have expected anyone to act in order to prevent a disaster,²⁰ but as the lorry driver was unlucky and hit a child, Chamberlain was unlucky that events turned out badly.

Nagel tries to pre-empt such objections to his example when he argues, 'that these are genuine moral judgements [judgements of culpability or esteem] rather than expressions of temporary attitude is evident from the fact that one can say *in advance* how the moral verdict will depend on the results'.²¹ However, the results of the action influence the political verdict and the social condemnation, and these are not necessarily correct moral judgements. Moral responsibility can be distinguished from other

kinds of responsibility, for example, legal, emotional, social and political responsibility.²² These ways of holding people accountable, may have nothing to do with whether they were morally accountable, and praise or blame may be allocated in accordance with different criteria; for example, if the purpose of punishment is deterrence and to protect the social group from individuals who cause it harm, then judgements about legal responsibility may be radically different from judgements about moral responsibility.

Another example of a case where political reality may affect the moral labelling of an act is determining whether a group of soldiers are to be called terrorists or freedom fighters. Should they win the conflict, as the party now in power, they will call themselves freedom fighters. Should they lose, the opposition will call them terrorists. Attempts to define terrorism as the indiscriminate use of violence/terror against the innocent are aimed at avoiding the tangle of political and historical re-definitions and provide a moral (in the sense of justified if not objective) answer to this question.

Chamberlain's action is still a betrayal of trust, whether other factors conspire to push history towards further disasters or not.²³ He would have been responsible for unleashing Hitler on Europe, had there been some mistake of judgement on his part that would otherwise have allowed him to predict the danger. However, such an option is ruled out in the way this case is set up; Chamberlain is not supposed to have made any mistakes in deliberation in Nagel's analysis.

As an alternative to Williams' presentation of Gauguin and Anna Karenina, as well as Nagel's Chamberlain example, consider Jude's speech from *Jude the Obscure*:

'It is a difficult question, my friends, for any young man – that question I had to grapple with, and which thousands are weighing at the present moment in these uprising times – whether to follow uncritically the track he finds himself in, without considering his aptness for it, or to consider what his aptness or bent may be, and reshape his course accordingly. I tried to do the latter and I failed. But I don't admit that my failure proved my view to be a wrong one, or that my success would have made it a right one; though that's how we appraise such attempts nowadays – I mean, not by their essential soundness, but by their accidental outcomes. If I had ended by becoming like one of these gentlemen in red and black that we saw dropping in here by now, everybody would have said: "See how wise that young man was, to follow the bent of his nature!" But having ended no better

than I began they say: "See what a fool that fellow was in following a freak of his fancy!"'

'However it was my poverty and not my will that consented to be beaten. It takes two or three generations to do what I tried to do in one; and my impulses – affections- vices perhaps they should be called – were too strong not to hamper a man without advantages; who should be as cold-blooded as a fish and as selfish as a pig to have a really good chance of being one of this country's worthies. You may ridicule me – I am quite willing that you should – I am a fit subject, no doubt. But I think if you knew what I have gone through these last few years you would rather pity me. And if they knew' – he nodded towards the college at which the Dons were severally arriving – 'it is just possible they would do the same.'²⁴

Jude's project to educate himself is essentially sound at the time when he critically decides that he ought to pursue it. He has the talent, ability and love for academic pursuits. This is the case at the time the decision is made and remains so to the end. The accidental outcome of his project would neither justify the project itself in the case of success, nor unjustify it in the case of failure. Jude does not accept the possibility of retrospective justification which is central to Williams' Gauguin. Similarly we could argue that the essential soundness of Gauguin's project is what we should evaluate it by and this remains the same regardless of the outcome.

Note that this does not necessitate that either Gauguin or Jude has to be infallibly aware of the essential soundness of his chosen project at the time the choice is made. Jude notes that discovering one's aptness is a critical process and therefore one may make a mistaken decision. Perhaps Chamberlain and Anna Karenina are such examples of people who made the wrong decision;²⁵ but their decision is still wrong at the time it is made and has no need for retrospective unjustification. Jude also points out that the luck involved in the failure of his project was extrinsic. It relates to the fact that social circumstances made Jude's project impossible. He explicitly rejects an interpretation of his project as having failed due to internal luck when he points out how the crowd's estimation of him would have changed based on the accidental outcomes of his efforts; had he been successful he would be proclaimed wise, but as he has failed he is called a fool. The reason why we should pity Jude then is because he made a wise decision to follow a worthy project, but was hampered by bad luck which resulted in his project failing. However, his project remains essentially worthwhile.

This is what makes the novel so interesting and Jude such a tragic and memorable character.

1.4 Moral luck: A definition?

We have examined some of the examples of moral luck put forward by the philosophers who introduced the topic to recent debate, but we have found them wanting. We are now left with two problems: if we reject these instances of moral luck as genuine cases, we are still left with the question of explaining 'moral luck'. We also have to explain why there are competing interpretations of these examples, some of which question whether these are genuine cases of moral luck. To try to answer these ideas we have to return to the understanding of luck as lack of control and why this poses problems for morality.

The tension highlighted by the idea of moral luck is that between one side of humans, which is passive, vulnerable and delicate, and another which is autonomous, pure and immune to luck. This is the picture of morality elaborated on by Williams. Williams draws a distinction between morality in the restricted sense, a 'local system of ideas that particularly emphasizes a resistance to luck',²⁶ and the ethical in a more general sense.²⁷ Morality in the restricted sense is characterized by its reliance on obligations, the idea that blame is directed to the voluntary and that it is 'the characteristic reaction of the morality system'.²⁸ The particular moral system, discussed by Williams, which most exemplifies this resistance to the idea of moral luck is deontology as developed by Kant. According to the Kantian conception of morality, morality requires autonomy, choice, freedom and so on in order to attribute responsibility. Kant's moral project seems to be driven by this wish to articulate a 'pure' moral theory that escapes the distorting influences of luck. This picture sees luck as being at odds with and ultimately as being a distorting and conflicting influence on the moral project.

However, this is not the only alternative in terms of localized systems of morality. Nussbaum defines luck as follows:

What happens to a person by luck will be just what does not happen through his or her own agency, what just happens to him, as opposed to what he does or makes. In general, to eliminate luck from human life will be to put that life, or the most important things in it, under the control of the agent.²⁹

In her writings, Nussbaum adopts what I shall call an integrationist position. This approach to moral luck integrates the phenomenon into human life and, as we shall see in Chapters 2, 3 and 4, has its roots in Aristotle. According to this position, luck is an inalienable fact of human life. Not only can we not escape luck, because of the human condition, but we should not want to, because hand in hand with luck go all the things that make life worth living:

That I am an agent, but also a plant; that much that I did not make goes towards making me whatever I shall be praised or blamed for being; that I must constantly choose among competing and apparently incommensurable goods and that circumstances may force me to a position in which I cannot help being false to something or doing some wrong; that an event that simply happens to me may, without my consent, alter my life; that it is equally problematic to entrust one's good to friends, lovers or country and to try to have a good life without them – all these I take to be not just the material of tragedy, but everyday facts of lived practical reason.³⁰

For Nussbaum this vulnerability to luck is an essential component of the human life, but we can see why something that threatens the independence of human agency can pose a problem for morality. So luck is an integral part of ethics; the components of a good life are fundamentally the objects of luck. Luck and morality are two sides of the same coin. Nussbaum then seems to be rejecting the idea that there is a tension between morality and luck. Indeed she considers luck a necessary component of the good life.

Accepting this picture of the human condition as vulnerable to luck still leaves open the question of attributing praise or blame. If who we are and how we act is fundamentally a matter of luck and should be taken as a matter of ordinary life, there still remains that question of responsibility. The picture of the moral development of man being like Pindar's young tree, which is of good stock, requires the right soil, proper sustenance, favourable weather, dedicated care and so on, illuminates the vulnerability of the human condition, but it leaves open the more complex question of our individual responsibility for this condition. Human beings, unlike trees, are assumed to have some control over what soil they grow in, favourable weather, dedicated care and so on; that is what influences we accept, what examples we are moved by, which role models we adopt, which attitudes we foster and so on. The most crucial question facing integrationist approaches

to morality and luck is one of degree; to what extent is luck an excuse for immoral behaviour, what degree of bad moral luck poses an insurmountable problem and equally how far should our judgements of moral praise be tempered by the recognition that the agent was shaped by good luck.

There seem to be, then, two different approaches to the problem of moral luck as identified by two localized systems of morality. The Kantian picture tries to resist luck, but an Aristotelian approach is not committed to this.³¹ This book will serve partly to highlight the two different approaches: on the one hand, Aristotle's acceptance and integration of the possibility of luck within the moral life and, on the other, Kant's rejection of the influence of luck on morality.

As we shall see, both alternatives create problems for moral responsibility. In Chapters 2, 3 and 4 we shall see how the Aristotelian picture of integrating the influence of luck in moral life leaves us with two alternatives with respect to moral responsibility. If luck plays a role in who one is and what one does, then responsibility for these actions is a superficial concept because the agent was not truly in control of what he did. This alternative retains the connection between holding people responsible only for what was under their control, but ultimately there are no cases of true responsibility. Alternatively, if we retain a strong concept of responsibility it must be an impure one, as we have to hold people responsible for things that were outside their control. This alternative rests uneasily with our understanding of justice as fairness and the attribution of responsibility.

Dissatisfaction with these alternatives, and a desire for a pure moral theory, leads Kant to reject the influence of moral luck. However, as we shall see in Chapters 6 and 7, his project is much more detailed and sensitive than it has sometimes been assumed. There is room for a conception of human nature as subject to contingencies within the Kantian project, but its place is specific and has to be understood in the light of other Kantian claims.

Ultimately the two responses to moral luck, the Aristotelian and the Kantian, are not greatly removed from each other as they are both driven by the same two forces: on the one hand, philosophers want to articulate a moral theory with a strong and pure concept of responsibility, but on the other, they want a plausible picture of the human condition as influenced by luck. We shall see how Aristotle emphasizes primarily a plausible picture of the human condition as vulnerable to luck, but cannot avoid considerations similar to Kant's quest for a notion of responsibility. On the other hand, the Kantian focus has been on immunity

from luck, but even such an account cannot altogether ignore the plausibility of a picture of morality as influenced by luck. Therefore, the two positions which have been presented as conflicting alternatives are actually concerned to satisfy the same two requirements, each emphasizing one more than the other.

The discussion of the two responses will also serve to clarify what is meant by the cluster of phenomena that are discussed under the term 'moral luck'. Williams' and Nagel's articles were crucial in reviving the recent interest in moral luck, and their examples are taken up by most philosophers who have subsequently written in the area, but, as we have seen, these examples can be and have been challenged. I have argued that some of these examples are not genuine cases of moral luck, whereas others have been misinterpreted. What I have done in the preceding discussion is to re-describe the examples and show that what these agents did was, or could have been – had they deliberated better – under their control, so that when we hold them responsible for it, there is no tension (e.g. Gauvain and Anna); or I have argued for narrowing the description of what it is we are holding them responsible for (e.g. Chamberlain). Our conception and understanding of the power of reason to guide deliberation is crucial in explaining these examples. In many ways, as we shall see in the contrast between the Aristotelian and the Kantian use of reason, how we conceive of the power of reason brings about a crucial difference in the understanding and importance of moral luck.

These examples of moral luck have proven to be so controversial because there are a number of different ideas that are raised by the concept and a cluster of different cases that all lay claim to this term. Furthermore, how we should respond to particular cases of moral luck seems to be determined by the theoretical framework through which we understand morality. Thus, instances claimed to be cases of moral luck will remain controversial. The only possible definition that we can come up with for moral luck, then, has to be a fairly innocuous one, such as the one given by Nagel:

Where a significant aspect of what someone does depends on factors beyond his control, yet we continue to treat him in that respect as an object of moral judgement, it can be called moral luck.³²

This definition is successful in that it highlights the tension inherent in the concept of 'moral luck', but it is not very informative in terms of resolving disagreements about whether particular cases are genuine

cases of the phenomenon. Since particular examples have proven to be so controversial and have tended to obscure rather than clarify the discussion, rather than rely on specific examples, it will be helpful to follow Nagel in identifying three ways in which an agent and his actions may be affected by luck:

1. *Constitutive luck*: What kind of person one is, including inclinations, capacities and temperament.
2. *Situational luck*: The kinds of situations, of varying degrees of temptation or difficulty, one comes across.
3. *Resultant luck*: Regarding how the effects of one's actions turn out.³³

Cases of constitutive luck seem to pose the most extreme problems for our notions of responsibility and equality. The influence of constitutive luck plays havoc with our intuitions that we all at least start off equally with respect to the moral sphere, and that everyone has an equal footing from which to make the moral decisions we hold them responsible for. If constitutive luck cannot be discounted, then we have to accept that we all are not equal, that some people have an innate advantage or disadvantage when it comes to acting morally and this realization about the inevitability of some of our moral decisions must have implications for responsibility and blame.

The discussion of constitutive luck will bring up the importance of the relationship between nature and morality. The Aristotelian approach draws a distinction between natural tendencies, the object of luck, and rational choices and developed dispositions, the objects of morality. However, as we shall see, it is not that easy to escape the charge that deep down humans are restricted by their make-up. What makes some of our positive natural tendencies into affirmed dispositions and leads us to abandon other less-favourable tendencies is our reason. However, why should we suppose that reason is immune to luck? We saw that Williams' attack on reason can be called into doubt, but this attack is much more serious. Why is our ability to reason itself not subject to constitutive luck? The relations between reason and morality will play a major role in how different theories respond to the possibility of luck. For Kant, our ability to reason as autonomous human beings is entirely immune to luck, that is available to all equally, no matter what their constitution, background or experience, available at any moment in time, despite previous history or entrenched character traits, and offering a solution to any moral problem, no matter how difficult.

Situational luck, discounted by Kant, plays an important role in the Aristotelian moral picture. The problem posed by situational luck was highlighted by Nagel:

What we do is also limited by the opportunities and choices with which we are faced, and these are largely determined by factors beyond our control. Someone who was an officer in a concentration camp might have lead a quiet and harmless life if the Nazis had never come to power in Germany. And someone might have become an officer in a concentration camp if he had not left Germany for business reasons in 1930.³⁴

We shall see how situational luck and the wider idea of developmental luck³⁵ play a significant role in Aristotelian moral theory. The Aristotelian model of gradual development, open to influences from a good teacher, favourable examples, opportunities for practice and habituation and so on, is inherently vulnerable to situations one finds oneself in. In brief, the vulnerable student of virtue may find certain moral tests more difficult than the established virtuous agent, or having been subjected to great temptation at an early stage of moral development, he may lose any chance of becoming virtuous. Again the role assigned to our power to reason is crucial here. We shall see that there is no easy answer to the question of how great a temptation is it reasonable to expect the moral agent to overcome, or how long we can expect the student of virtue to stand in the face of difficulty. The answer to such questions will remain imprecise, perhaps because of the imprecise nature of ethics, but recognizing this may still remain Aristotle's greatest insight.³⁶

In contrast, the Kantian picture leaves no room for the influences of situational luck. The moral agent can turn to virtue at any time in his life, no matter how many contrary influences he has been subjected to or how many times he has acted viciously. Virtue is the result of an instantaneous revolution of the will, which can take place in any agent at any time. This picture, as we shall see, is compelling in that it offers an equal chance at the virtuous life to everyone.

Cases of resultant luck, or luck in how the effects of one's actions turn out, pose the least problems for either Kantians or Aristotelians. For Kant, it is clearly the act of the will that is the object of the moral judgement, and should the will be prevented from acting by external factors, this should make no difference to the evaluation of the agent (of course outside observers can never be sure of the purity of a will that is always prevented from acting, but this is an epistemological obstacle to the evaluation of

the agent by others). Aristotle's answer to cases of resultant luck is intimately connected with his thoughts on voluntary actions and choice. As Aristotle's thoughts on this are quite extensive I shall postpone their discussion until Chapter 3. What is important to note here is that, as with other examples of cases of moral luck, when we discuss examples of resultant luck provided by recent writers we may find that they are not truly genuine cases of moral luck. Aristotle's thoughts on responsibility will clarify the importance of the idea that some of the effects of our acts appear to be out of our control.

In this discussion, then, I will make use of Nagel's broad division of cases of moral luck into constitutive, developmental (situational) and resultant, as this classification seems to avoid some of the problems of dealing with particular examples. I will use this understanding of moral luck to examine the different answers to the problem presented by Aristotle and Kant and question to what extent these should be seen as rival and conflicting responses. In Chapter 8 I will go on to examine some recent developments in Kantian and Aristotelian ethics and see whether these give a more satisfactory account of moral luck and how far they in fact follow the spirit of Kant and Aristotle. As we shall see, there is much less opposition between these two ways of doing ethics (Aristotelian and Kantian) than many of the proponents of the theories would like us to believe. Ultimately Aristotle and Kant give the same answers to the problem of moral luck, but focus on different elements of the answers. Meanwhile, Chapter 5 will be an interlude from the main discussion, putting forward the Stoic answer to the problem of moral luck. The Stoic answer is examined because in many ways it prefigures the Kantian approach, while sharing many crucial features with Aristotle's theory.

1.5 Conclusion

The possibility of moral luck raises a large number of complicated and interconnected issues which relate to fundamental questions about what it is to be human. This introductory chapter has tried to raise the possibility of these questions and this book will try to show how certain theories provide different answers to them. Questions about how we should deal with moral luck relate to our fundamental understanding of what it is to be human and what it means to be a moral being. Is luck an inalienable and unavoidable part of human life? A part which also makes life rich and fulfilling? Or is it an attack on our independence and essentially human autonomy? Does luck make the moral project richer or should we strive to understand morality as immune to luck?

Fundamental to these questions is our conception of reason and its power to overcome adversities and contrary influences. Is reason our refuge from the influence of luck or is it itself shaped and controlled by luck? And how should the answers to all these questions affect responsibility?

These questions are fundamental philosophical questions centering on problems with which philosophers have always grappled and to which perhaps there are no definite answers. This book does not aspire to answer them in their entirety, but rather is aimed at using the discussions on moral luck as an introduction to some of the different ways there are to approaching these questions. The possible answers to these questions are many and diverse, and I cannot hope to provide a comprehensive account of all of them. Rather, I will concentrate on elaborating the contrasts and similarities between two different approaches, that of Aristotle and that of Kant (purposefully ignoring any further questions raised by the theory usually presented as the third alternative, consequentialism).

As to how this will be done, we have already seen the problems associated with providing examples in order to explain what is meant by moral luck. I have tried briefly to identify some of the ways that one can go wrong in using examples. We must be careful not to confuse cases of bad luck with cases of bad moral luck, or cases where some of the elements of the example are subject to good or bad luck with moral luck. A broader characterization of types of moral luck into constitutive, developmental (situational) and resultant may be of more use. Ultimately, we shall see that although resultant luck can be explained and accommodated for, developmental (situational) and constitutive luck pose more fundamental problems. This is slightly surprising as constitutive luck in particular tends to be generally side-stepped in recent discussions of moral luck. However, this may be because the possibility of constitutive luck goes to the core of the fundamental questions discussed above and raises the greatest challenges for our conception of humanity and morality.

1.6 A note on style

A final word on the combination of literature and philosophy, which I have already used to illustrate points and which I shall continue to employ in what follows. Why use literary examples to illustrate philosophical issues? This approach is not entirely unusual, its best known advocate being Martha Nussbaum.³⁷ Such an approach has its roots in Ancient Greek philosophy where extracts from poems and tragedies are often used to make points. Plato uses Pindar's poetry to talk of the man who has led a just and god-fearing life:

sweet hope,
 Who guides men's wandering purpose,
 Treads at his side, gladdens his heart,
 And comforts his old age.³⁸

Aristotle recommends Hesiod's advice:

Best is the man who can himself advise;
 He too is good who hearkens to the wise;
 But who, himself being witless, will not heed
 Another's wisdom, is worthless indeed.³⁹

One reason for using such a method can be traced back to Aristotle. Early on in the *Nicomachean Ethics* he points out that '[o]ur account of this science [politics] will be adequate if it achieves such clarity as the subject-matter allows'.⁴⁰ And later on,

[n]ow questions of conduct and expedience have as little fixity about them as questions of what is healthful; and if this is true of the general rule, it is still more true that its application to particular problems admits of no precision. For they do not fall under any art or professional tradition, but the agents are compelled at every step to think out for themselves what the circumstances demand, just as happens in the arts of medicine and navigation.⁴¹

Now, given this inherent imprecision, perhaps the best way to approach such questions would be to point to specific examples instead of trying to provide an exhaustive characterization of the virtuous agent, which would attempt to describe all eventualities and highlight all possibilities. This is exactly what works of literature help us do. It is no coincidence that great writers from a variety of traditions, and I am thinking here of people like Henry James, Thomas Hardy, Tolstoy, Dostoyevsky, are studied exactly because of their detailed and illuminating portrayal of moral characters. What better way to understand the moral dilemmas of women on the topic of love, for example, than to follow the fortunes of Tess of the D'Urbervilles, Isabel Archer or Anna Karenina. Perhaps then, the best way to understand the virtuous, or vicious, person is to follow him or her in action. Aristotle's own frequent references to historical and literary examples which the average Athenian was likely to recognize, and his admiration of tragedy in the *Poetics* are an indication that he would favour such an approach.

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