

## Kant's Lackluster Jewel: Control and the Persistence of Moral Luck

PAUL BOSWELL

MORAL value is supposed to be won and lost on a level playing field: good people are good on their own merit and bad people are bad because of their own failings. This is precisely the notion that comes under attack when Thomas Nagel points out that moral judgments depend not only on merit but on luck as well.<sup>1</sup> The locus of this problem is the “condition of control,” the idea that one can only be responsible for what is under one’s control. The first part of this paper reviews two definitions of control—Gideon Rosen’s “proximal control” and an application of Richard Wright’s “NESS condition”—that seem promising as solutions to the problem of moral luck. I will argue in favor of the latter. The second part discusses the extent to which either can truly solve the problem of moral luck and argues that any similar definition of control leaves a new problem of moral luck: luck in the degree of control one has.

The universal end of mankind is the highest moral perfection. . . . We must each of us, therefore, endeavor to guide our conduct to this end; each of us must make such a contribution of his own that if all contributed similarly the result would be perfection. (Kant, *Lectures on Ethics* 252)

This passage from Kant’s transcribed lectures neatly carves out two facets of an idea of morality that, for better or worse, has been extremely

<sup>1</sup> See also Bernard Williams’ *Moral Luck*.

*Paul Boswell is a student at Princeton majoring in philosophy. After graduation, he intends to enter a graduate program in philosophy.*

influential from time to time in philosophical discourse: first, that moral worth is purely within the control of each individual person, and second, that moral worth is a supreme value. As Judith Andre notes, this forms a sort of ultimate justice in the world: each person is equally able to attain what matters most in life (202).

In his essay “Moral Luck,” Thomas Nagel singles out the first facet as a troublesome piece of moral common sense. At the bottom of the first facet, that moral worth is a matter of personal merit, is “the condition of control”: one can only be held morally responsible for that which is under one’s control (450). But if we examine our everyday moral judgments, we discover that we pass moral judgment on others for that which is, in whole or in part, beyond their control. There is a morally significant difference between murder and attempted murder, but this difference only arises out of sheer luck in outcomes—the fact that an assassin happened to miss his or her target, for example. Similarly, the drunk driver who kills a pedestrian has done a worse thing in moral terms than the drunk driver who makes it home safely, but this moral difference rests on the bad luck of encountering a pedestrian, not something that is under either driver’s control. Nagel goes on to name four kinds of morally relevant luck: (1) constitutive luck, which is luck in the formation of one’s character and temperament; (2) luck in circumstances that determine the moral tests one faces; (3) luck in antecedent circumstances that determine what one does at the present (a result of determinism); and (4) luck in outcomes, as with attempted murder (451). Nagel argues that if we enumerate all the ways in which we cannot be said to have control, including how our actions are presumably subject to various causal laws, then the area of what we control and are morally responsible for shrinks to an “extensionless point” (454). We must then admit either that we are morally responsible for things outside of our control or that there is no justification for holding anyone morally accountable for anything. This is the problem of “moral luck.”

Gideon Rosen attempts to reconcile the seemingly plausible condition of control and everyday moral judgments by offering a definition of control that is supposed to eliminate the problem of moral luck.<sup>2</sup> However, this definition does not hold up to everyday judgments. Moreover, any

<sup>2</sup> Rosen, Gideon. “Moral Luck” (lecture, Princeton University, Princeton, NJ, December 14, 2006). The lecture will hereafter be cited by the lecturer’s last name.

definition of the same form would leave us with a new problem of moral luck—luck in the amount of control we can be said to have.

## I

Rosen begins with two concepts of control: “proximate control” and “ultimate control.” Agent X has proximate control over R if and only if there is a systematic causal correlation between X’s internal states and the outcome in R that is realized, while X has ultimate control over R if and only if X has proximate control and nothing other than X has proximate control over X’s inner states. Rosen’s own conceptual model for proximate control is an automatic light timer; the internal states of the timer are systematically correlated to whether or not the lamp is on. He adds that proximate control concerns a sort of correlation about which one can make counterfactuals (if the “on” state in the timer had not obtained, the light would not have turned on), but the correlation need not be perfect: it can occasionally be the case that some mechanism is sticky in the timer, and when it reaches the “on” state the light does not turn on. On the whole, though, it is considered reliable (Rosen). In this sense, the timer has proximate control over the states of the lamp, but it does not have ultimate control because someone must set the timer.

From here it becomes clear that Nagel is thinking generally in terms of ultimate control and not proximate control: the notions of constitutive luck and luck in antecedent circumstances both depend on internal states of X’s being determined by something other than X. This is an argument against X’s having ultimate control in these cases, but these two kinds of luck are not in conflict with proximate control. Rosen then argues that both luck in circumstances and in outcomes involve the agent’s doing different things in different situations, and that difference is due to luck. But one can only be held responsible for what one has *done*, so the difference is not relevant (Rosen). One assassin kills his man and is guilty of murder while another assassin’s gun jams (due to luck in the outcome) and is only guilty of attempted murder. These assassins have clearly done different acts, so they are only being held responsible for what they have done. It is the same answer to the situation of two brothers in 1932: brother A stays in Germany and becomes a Nazi while brother B is sent by his parents to Argentina where he lives a quiet life. The latter may have gotten lucky with

circumstances, but after all, he was not the one who became the Nazi. So, if A is presented with a moral test (whether or not to do something a Nazi might be asked to do, such as shoot a prisoner) and, looking at our definition of proximate control, “states of X” is taken here to mean decisions of A<sup>3</sup> and “outcomes in R” as the life versus death outcomes of the prisoner, then A has proximate control and satisfies at least this condition<sup>4</sup> for moral responsibility since what A decides matters greatly for the prisoner. However, B, who is in Argentina at the time, does not have proximate control, since there is presumably no decision he could make that would correlate with this prisoner’s outcomes. Thus, he cannot be held morally responsible. This is in line with “common sense” moral judgments.

However, common sense judgments about control cannot be simply a matter of cognitively apprehending the degree of correlation between decisions and outcomes. There is a significant difference between the notions of “control” and “having a chance to affect the outcome.” To return to the timer, would it be correct to say that the timer had control over the light if a certain state of the timer corresponded to the correct state of the light only 5 percent of the time? Certainly not, so what degree of correlation is needed?

Fortunately, it is not necessary to answer this question. Take the example of an assassin perching atop a building and aiming at his or her target in the park below. Assume that his or her aim is always perfect and that the gun always works such that the only way the target would not die when the gun is fired is if a bird happens to fly in the way of the bullet. Let us also stipulate that shooting the targeted person is the only possible means to kill that person in this situation. When we ask whether or not the would-be assassin has control over the two outcomes—(1) the target lives and (2) the target dies—we do not speak of the *probability* that a bird will get in the way; we simply ask if the bird did in fact get in the way or not. There are two possibilities concerning the bird, its presence at the right place and time or its absence, and each possibility implies something different about control if either one is realized. If the bird is not in the way, the

<sup>3</sup> In the context of people as moral agents, “internal states” will always denote “conscious decisions” unless otherwise noted.

<sup>4</sup> This cannot be the only condition for moral responsibility, as Rosen notes. There must, for example, be an epistemic condition as well: one must recognize the character of one’s action.

assassin has control. If it is, the assassin cannot have control since its presence removes the only possible way of affecting the target's outcomes. Still, one might say it is entirely possible that the target dies even if a bird gets in the way, and the bullet never hits the target. If that is the case, then there is no way the would-be assassin was responsible; we would start to look for other causes, perhaps a heart attack or a second assassin.

Rosen's account of proximal control is not adequate because defining control by degrees of causal correlation unnecessarily interjects an overgeneralized epistemic concern. Control is established in a particular situation, not across a range of situations. To say that the timer has proximate control is to say that the timer has had control in the past such that it is reasonable to infer that the timer will have control in the future. But this is merely to make a judgment in uncertainty: one cannot know for sure that the timer will work in the next situation, but given that it usually works, it is reasonable to say that it should work in the next situation. This is only a judgment that the timer will *probably* have control since when the next situation arises, the timer either will or will not have control. Thus, control concerns a causal relation, not a causal correlation. To return to our assassin: assuming that the timely appearance of the bird is a random event, we cannot know for certain whether or not it will appear. The notion of proximal control suggests that we can still make a judgment about whether or not the assassin has control, but a much more commonsense judgment is to say that he or she *probably* has control given that it is not very likely that a bird gets in the way of the bullet—and if it is the case that a bird does get in the way, then the assassin cannot have control since it is not possible for him or her to affect the outcome of the target.

I have been leading to a notion of control that differs from proximal control, but until now I have not said anything positive about it, so let us take another example, a modified biblical example. Suppose that King Darius, instead of loving Daniel, actually hates Daniel and wants him to die. So Darius contrives a plan whereby he will throw Daniel into the lions' den on a specific date and time. When the time arrives, Darius learns that the lions have just been fed, making it unlikely that they would want to consume Daniel—let us say there is only a 2 percent chance that Daniel is eaten. Darius, a perennial optimist, nevertheless throws Daniel to the lions in the hope that they are still sufficiently hungry. It is perfectly obvious that if Daniel is indeed eaten by the lions, Darius is responsible, and therefore

morally blameworthy. Still, if this outcome seems to depend on the hunger of a pack of lions, it does not seem like Darius has much *control* over it since he does not determine the lions' hunger. So how are we to satisfy the condition of control?

In this situation, two conditions are required for Daniel to be eaten: (1) Darius must throw Daniel into the den, and (2) at least one lion must be suitably hungry.<sup>5</sup> Together they make a *sufficient set* in that such a set would ensure that Daniel is eaten. The idea behind this observation, which dates back to J. S. Mill, is that what we commonly point to as causes of an event are usually not sufficient in themselves for the event (Wright, "Causation in Tort Law" 1790). The match may have caused the fire, but many other conditions were also necessary for the fire. In the example of Daniel and the lions, both of the elements of the set are necessary in that we can make a counterfactual: if either of the elements were not present, Daniel would not be eaten. But some elements may not be necessary: two of the lions may be sufficiently hungry. It only takes one hungry lion to kill Daniel, so the second is nonessential. It is relevant that an essential element was throwing Daniel into the den since it establishes the causal relation between Darius's decision to throw Daniel into the den and Daniel's death. It is precisely to say that if Darius had not so decided, then Daniel would not have been killed.<sup>6</sup> This is a straightforward application of Richard Wright's idea of a NESS condition—a necessary element of a sufficient set (1790). Since control concerns a causal relation, and since this is a sufficient account of what it means to stand in a causal relation, then for X to have control over an outcome in R, it must be the case that an internal state of X is a NESS condition for that outcome in R. To keep the discussion clear, I will refer to this notion of control as "NESS control."

There are some odd conditions that may be met and that may throw a wrench into the cogs of this theorem. Suppose there are two assassins working independently who happen to shoot the same target at the same time. The commonsense moral judgment is to say that they are both

<sup>5</sup> In this example, Daniel can be in the den if and only if Darius has thrown him in there.

<sup>6</sup> Of course, there is an extensive literature devoted to examining conditional statements, but this is not my focus. I presume to say that if some element is essential for an outcome, then if that element were not there, that outcome would not obtain.

responsible for the assassination, but a difficulty lies in the fact that if one of them had decided not to shoot, the other still would have shot and killed the target; each assassin is by himself nonessential. Therefore neither has NESS control, and thus both seem to lack a condition of moral responsibility. Wright's solution to such cases is to insist on the possibility of multiple sufficient sets for a given event (1790): the assassin on the left plus all else that allows his or her bullet to reach the target is one sufficient set, and the assassin on the right plus all else that allows his or her bullet to reach the target forms another. However, Wright's account is slightly simplified. The left assassin is an essential element of a set sufficient for E only in the event that there is only one assassin present because it is still the case that if the left assassin had not fired, the right assassin would have, and the target would have died. The left assassin is an *essential* element in a set sufficient for E if and only if one acknowledges that all the other relevant conditions are bracketed out, treated as if not present, namely, the other shooter. Hence, this "other" sufficient set is merely a sufficient *subset* of the conditions that actually obtain because one must acknowledge the presence of the other assassin. So, an extended conception of a NESS condition would be "a necessary element of a sufficient set or subset."

This definition may be a bit ungainly, but its awkwardness seems to come from overdetermination—when a sufficient set also happens to be more than just sufficient—such as when in a set that requires  $n$  or more discrete elements to be sufficient, there are  $n + 1$  or greater elements. Consider the case where an event E requires five people to be simultaneously placed on a scale: any fewer than five and E will not occur, while if there are more than five, E will still occur. Each of several people can decide, independently of all others, whether or not to be put on the scale. At five people on the scale, there is a sufficient set for E, and each element (person) in the set is essential. But what happens at six or more people on the scale? There is still, of course, a sufficient set, but now none of the elements are essential since removing any of them still leaves us with a set of five. If the presence or absence of any one person makes no difference for the outcome, it does not seem that any person can be said to have "control" in any sense. This may be an argument against the condition of control as it appears we have an instance where the agents are all morally responsible (if E is morally relevant) and yet uniformly lack control.

But to say this is to rely too much on the first, unextended definition of a NESS condition. If none of these people have control, who or what does? There is nothing left that can answer, and it does not seem permissible to shrug off the occurrence of E as an act of God. Here it is a good idea to take that there is no relevant property that any person or group of people may have that singles out from among the six people *which* five were essential for E because they all appear on the scale simultaneously. If there were such a means—say each person is now added to the scale sequentially—then there is no problem of control as all persons after the fifth can be singled out as “after the fact” (they are not elements of the sufficient set that actually obtains, which would consist of only the first five people), but here, any possible combination of five elements bears the same relation to E. Because no distinctions can be made among the elements as to which are essential and which are not (when it is the case that at least *some* are essential), then a way to acknowledge the equivalence of all elements with respect to E is to note that each of the elements can be an essential element of a sufficient subset containing only five of the original set of six, and this fits the extended version of a NESS condition. The justification behind this can be rendered more conceptually palatable in considering this analogy: suppose the requirement for E was not five people but five kilograms, and a seven-kilogram block was put on the scale. Which two kilograms were nonessential? This is a senseless question.

## II

So far, I have discussed one account of the sort of causal relation that needs to obtain between X and outcomes in R in order to say that X has control over R and have outlined what I think is a substantially more accurate description. Now I come back to the original question: is there such a thing as moral luck?

The problem Nagel thinks is most troubling and that Rosen responds to does go away. There seems to be no situation where one would be held morally responsible and yet cannot be said to have control (in the sense of NESS control). However, this should not be surprising since what matters for the problem of moral luck is how the definition of control is formulated. Both proximal control and NESS control are defined as a relation between the internal states of X and an outcome in

R, and this relation is the key to the solution of the problem. When control is defined this way, both luck in antecedent circumstances (the fact that, according to a deterministic view, the internal states of X are determined by things other than X) and constitutive luck do not matter when considering whether or not X has control. Luck in circumstances, in what sort of moral problem one may face, also does not matter since control is now defined as a relation to the moral problems we *do* face. Luck in outcomes is very neatly explained by the theory of NESS control since it becomes the fact that X may not have control over *other* necessary elements of the sufficient set for some outcome in R. This is the case with the assassin and the bird: an obstructionless path for the bullet to follow can be seen as a necessary condition in the sufficient set of which the assassin's decision to pull the trigger is also a necessary condition, and whether or not that condition is present is, to some degree, up to luck. But if that condition is absent, X does not have control over some outcome in R because that outcome does not obtain: there is no sufficient set. Or, if the outcome does obtain, it is due to a sufficient set of which X is not an element.

One can state the condition of control these ways: "for X to be morally responsible for an outcome in R, X must at least be responsible for that outcome in R," or "for X to be morally responsible for an outcome in R, R must at least be attributable to X." This is obvious but only if a specific notion of responsibility is used, and this is precisely the notion that is contained in the idea of NESS control (as opposed, for example, to a notion of responsibility that is jeopardized when we take into account the fact that internal states of X may be determined by things other than X—the kind that Rosen is aiming for in talking about "ultimate control"). The condition of control only asks whether or not X was part of the causal history of R (or whether X *could have been* part of the causal history of R in cases where X is morally responsible by omission, such as negligence). This is what NESS control gives us, so the condition of control no longer implies "moral luck" in this sense.

However, moral judgment is not out of the woods yet. Even though we now have a notion of control that allows us to give moral judgments when we do have control and suspend them when we do not, there is still a sense in which the distribution of control over various outcomes seems

arbitrary. Instead of worrying that we blame people for that which is outside their control, we must worry that who gets control over what—and thus who has the *opportunity* to be moral or immoral in certain situations—is due to luck. This problem may not be as detrimental to our idea of morality as the previous problem of moral luck but is nevertheless pervasive.

As a condition of moral responsibility, control can determine whether or not a person has moral responsibility in some particular instance. If the agent does not have control over some outcome, he or she cannot be held morally accountable for it, whereas if the agent does have control, that person can be at least considered a candidate for moral responsibility. But of course, control over outcomes is not evenly distributed among people, nor would we expect it to be. This uneven distribution of control, however, unevenly alters opportunities for moral action as well.

Consider the case where an athlete and a person in a wheelchair are strolling together on a street and come across a house on fire with a person screaming from a second-story window. It is obvious that the stairs are the only timely method of reaching and saving this person. The athlete springs into action, running up the smoky stairs and carrying the distressed tenant to safety while the person in a wheelchair looks helplessly on. The athlete is the moral hero in this situation, and since the person in the wheelchair does not have control over the fate of the inhabitant,<sup>7</sup> he or she is entirely excused from moral judgment. That person did nothing wrong but nothing right either precisely because of a lack of control over the situation. It seems that the person in the wheelchair simply does not have the opportunity to be as moral as the athlete—an affront to the view of morality as giving equal opportunity for advancement. The handicapped person is unlucky in the amount of moral control he or she has.

Certain objections specific to this situation might be raised. The person in the wheelchair might do something else that carries moral value, like call for the fire department. He or she even has a comparative advantage in calling for help, but that does not erase the fact that this avenue of moral action is closed off to him or her whereas the athlete could also call for help. The wheelchair is not only a physical handicap, but a moral handicap

<sup>7</sup> To use our stricter notion of NESS control, the lack of working legs prevents the person in the wheelchair from ascending the stairs (in a timely manner, at least), which forms a necessary condition for saving that person. If the person in the wheelchair had tried to ascend the staircase, he or she would have failed.

as well. We can even take the difference to the extreme and compare Superman to the main character from Dalton Trumbo's *Johnny Got His Gun*, who is limbless and faceless after a WWI battle (9–11). He cannot even speak. Superman can save entire cities, but Johnny, though still a person, is almost morally inert. If we are held morally accountable for what we do, as both Rosen and Nagel attest (Rosen; Nagel 455), and Johnny cannot do anything, then he cannot be a moral (or immoral) person. Thus, he becomes morally handicapped: he is impaired such that we suspend moral judgment, which, in a broad sense, is due to luck.

Note that it is not necessary for one to be permanently handicapped for one to be unlucky with regard to control; a handicap is simply the most obvious way to lose such control. One could also happen to be simply absent for a great many moral tests through no fault of one's own. Handicaps are simply persistent, unlucky conditions that diminish control.<sup>8</sup>

This is a somewhat uncomfortable consequence. If one happens to get into a bad accident and wind up in a wheelchair, no one seems to think that this should diminish one's ability to be a moral person in the same way it has diminished one's ability to play basketball. Of course, there are ways to be moral other than by using one's legs, but those opportunities were open beforehand as well. One might argue that handicaps simply offer *different* opportunities to be moral—being in a wheelchair might increase one's opportunities to be a moral person in some situations where only those in wheelchairs can do some morally relevant action. But this is only due to the wheelchair; a fully abled person sitting in the wheelchair would be in the same position. A handicap, by itself, reduces possibilities for action, and thus reduces, if only by so little, the scope of moral responsibility.<sup>9</sup>

<sup>8</sup> One might object that a drunk driver hitting a pedestrian is both handicapped (in a sense) and morally responsible. Although the drunk driver has diminished control, he still has a degree of control. This specific example is imprecise as the driver is in fact morally responsible for two things: choosing to drive in that state and hitting the pedestrian. Also, one, who through no fault of one's own, falls into a state resembling intoxication moments before hitting a pedestrian is less responsible as he does not have much control. (I thank Alan Feuerlein for this objection.)

<sup>9</sup> A person in a wheelchair may have opportunities for moral action specific not to the handicap itself but as a handicapped person, such as the ability to empathize (and not just sympathize) with other handicapped people. These are important opportunities that are not available to fully abled people, but I would argue that they only demonstrate the limits of this specific example as the idea is that there can be some conditions that remove control more completely, as with Johnny.

Mental handicaps seem to have an even more intuitive effect on moral responsibility, sometimes reducing the scope of moral responsibility to a vanishing point. Strawson identifies mental handicaps as often excusing persons from moral consideration since they tend to undermine normal interpersonal attitudes (16–17). If only those who can relate to others on an interpersonal level can be moral agents, and if we do not see schizophrenics as able to engage with us on this level (perhaps we see them instead as the product of forces beyond their control), then we also do not usually consider them to be moral agents. They seem to lack a necessary capacity for self-control that makes it unsuitable to respond to any of their actions with moral blame or approval, all of which seems perfectly obvious. But Johnny simply has a different problem of control in that although we regard him as a person, he does not seem to have control over anything; he may be a moral agent, but he will never do anything that is blameworthy or praiseworthy. In this way, neither the schizophrenic nor Johnny have the opportunity to do anything of a moral nature if we agree with Rosen and Nagel that one may only be held accountable for what one does. Contrary to the Kantian view, it is simply not possible for these people to be morally praised or blamed as much as others might.

The contention above invites counterarguments, and I see two ways one might attack it: one of which is to deny that there is a problem in saying that physical handicaps that do not affect one's personhood turn into moral handicaps either by denying that physical handicaps reduce control in this morally relevant way or by asserting that such a reduction does not amount to much. The first of these objections does not account for the condition of control: if a person cannot have control over an outcome, then that person cannot be morally praised or blamed for that outcome. The less a person has control over, the less he or she has the opportunity to be a moral or immoral person; although the difference may be slight for most physical or even mental handicaps, it exists nonetheless. The second objection, that such a disparity does not matter, still entails denying that morality is a sphere in life in which everyone has an equal opportunity to become worthy, and this is exactly the implication of the position that one can have luck in control. Either there is such a thing as luck in control, and it matters a great deal, or there is no such thing.

The second attack is far more interesting; it asserts in fine Kantian fashion that the proper object for moral approbation is not the action but

the intention behind it. Thus, all who qualify as moral agents still have the general capacity for such intentions, so handicaps to a person's control do not matter: either they remove the ability to be a moral agent or they do not affect moral judgments. But such intentions must still be subject to the condition of control if we are to be held accountable for them. Unfortunately, the degree of control a person may have over such intentions seems to vary as arbitrarily (that is, with as much luck) across people as control over physical actions does.

In order to clarify the discussion about just what it means to have control over an intention, I will draw on some terminology. Harry Frankfurt makes a distinction between first-order and second-order desires and defines "volition" as an effective desire: one that becomes one's will or leads to action ("Freedom of the Will and the Concept of a Person" 6). First-order desires refer to a desire to do some action while second-order desires refer to the desire to have some other desire, like the struggling drug addict who has a first-order desire to take a particular drug and a second-order desire to be the sort of person who does not want to take the drug (Frankfurt 7). A second-order volition is a desire that some motivation be one's will, that is, that this motivation be the one that truly moves one to action, and it is the capacity to have these second-order volitions that Frankfurt regards as essential to personhood (10).<sup>10</sup>

Consider two killers, X and Y. Assume that X is a bad person beyond doubt; he or she wants to kill someone and truly identifies with this desire so that the desires of all orders are the same. Y is remorseful; he or she wants to kill someone yet also wants to be the sort of person who does not have this desire. Now, it should be noted that because remorseful killers are treated more leniently than unremorseful ones, we have at least a strong indication that intentions, even second-order intentions, do matter in making moral judgments (if one is allowed to approximate moral judgments by legal judgments in some cases). In any case, it is the first-order intention that matters more. We can say that Y has control over this first-order intention if Y's second-order volition satisfies NESS control—that is, whether or not Y identifies with a first-order desire affects (and is somehow necessary for) which first-order intentions and desires are realized.

<sup>10</sup> I'll not defend the terms themselves in this paper as I find them useful in talking about desires as intentions.

“Volition” is an important term since it implies that one wants one’s *will* to be different, that one identifies with a will one does not have. It is not simply a desire to experience another desire. Admittedly, the original language of NESS control seems convoluted when talking about psychological causation, but the idea of a “necessary element” is still relevant.

Thus, failure of a second-order volition to bring about the change of a first-order desire demonstrates a lack of control over that desire. This is what it means to have self-control: to be able to make second-order volitions effective. A true addict—one whose desire is seen as resulting from forces now beyond his or her control—is the paradigm model for a lack of this control and also for how we might judge actions and intentions separately: although we do prosecute people for actions done in pursuit of a drug, we do not necessarily blame them in the same way for their inability to make good on their desire to stop taking the drug.

Thus, one who consistently kills and yet desires not to be a killer seems to exhibit the same inability to make second-order volitions effective. This specific ability has a name in common parlance: willpower. This is something, as Nagel points out in talking about “constitutive luck” that seems a composite of genetic and environmental factors of which individual decisions play only a small part. How much willpower one has and to what extent one is able to control various first-order desires are largely due to luck.

Do we lay moral blame on others for intentions, desires, and wills over which they have no control? Here, the correct answer seems a little vague. Most likely our attitudes in such situations change: during WWI, shellshock was officially considered a problem of cowardice, but now post-traumatic stress disorder is a medical condition. However, I believe it is safe to say that, absent some medical condition like schizophrenia or kleptomania, the general norm is that one *should* have control over one’s intentions. This is essentially what Strawson argues in *Freedom and Resentment*: as long as people are viewed as having this general capacity for self-control, they are deemed responsible for their intentions (12). However, it certainly seems too simplistic to say that one either has this general capacity or does not; one may have it to a greater or lesser extent and more or less in some areas rather than others. For example, one person may not be able to control his or her desire to cheat on his or her spouse as well as others can control their desire, and yet the first person may be

more able to follow a dietary regimen. Again, willpower varies across people largely according to luck.

If control over intentions varies in the same way as with what people do, then intentions fall prey to the same problem of luck in control. Those with more willpower, or a greater general capacity for self-control, or more ability to make second-order volitions effective are in a better position to have control over their intentions.

Kant wrote in his *Fundamental Principles of the Metaphysic of Morals* that the good will was the supreme value, a shining jewel no matter what may unluckily befall it (3). That could be true, but it does not imply that everyone can aspire to a jewel of the same brightness. Some jewels, through sheer luck, are just duller than others, no matter how finely they are polished. Gideon Rosen offers a sketch of an idea of control that looked like it might have solved the problem of moral luck, but even after filling in and redrawing some of the lines on this sketch, it appears that this model solves one concern about luck entering into moral judgments and creates another. But perhaps this second problem, that one can be lucky or unlucky in being gifted or handicapped in morality as in any other sphere of life, may turn out to be less of a problem than a brutal fact that may come into acceptance.

### Works Cited

- Andre, Judith. "Nagel, Williams, and Moral Luck." *Analysis* Oct. 1983: 202-7.
- Frankfurt, Harry G. "Freedom of the Will and the Concept of a Person." *The Journal of Philosophy* 68.1 (1971): 5-20.
- Kant, Immanuel. *Fundamental Principles of the Metaphysic of Morals*. Trans. Thomas K. Abbot. New York: Macmillan, 1986.
- . *Lectures on Ethics*. Trans. Louis Infield. Indianapolis: Hackett, 1963.
- Nagel, Thomas. "Moral Luck." *Reason and Responsibility: Readings in Some Basic Problems of Philosophy*. Ed. Fienberg, Joel, and Shafer-Landau, Russ. Belmont: Wadsworth/Thomson Learning, 2005.
- Strawson, P. F. *Freedom and Resentment and Other Essays*. Oxford: Methuen & Co., LTD, 1973.
- Trumbo, Dalton. *Johnny Got His Gun*. New York: Bantham, 1984.
- Williams, Bernard. *Moral Luck*. Cambridge: Cambridge UP, 1981.
- Wright, Richard W. "Causation in Tort Law." *California Law Review* 73 (1985): 1735-1828.