

On the Modal Solution to the Problem of Moral Luck

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Abstract

In this paper, I investigate the so-called modal solution to the problem of moral luck. I spend some time positioning the solution within the philosophical debate on moral luck. I follow Hartman [2017] in considering it a special case of the counterfactual view of the problem of moral luck. The modal solution was developed in order to block one of the main objections to the standard counterfactual position developed by Zimmerman. I defend the solution against four objections, which, I argue, are limited insofar as they involve a misapplication of the solution to cases it was not meant to cover. This should not be considered an argument for the modal solution, however, as I go on to present my own counterexample. This counterexample involves a proper application of the solution to the relevant case, which nevertheless leads to problems.

Keywords

blameworthy agent; close possible world; lucky event; moral luck

1 Introduction

For the world to be as it now is, many things had to fall precisely into place. For example, many things had to turn out just right (or wrong) in order for you to read this paper. Not only did you have to be born in precisely this universe on precisely this planet, but factors that are much more local than the movement of the celestial bodies had to be precisely as they were, such as your inclination towards philosophy, your willingness to read yet another

paper on the debate on moral luck (and there are plenty) and your happening to come across this paper. There are many ways in which this outcome could have been different. You could have grown up to be the type of person who doesn't care about philosophy at all. You could have been born into a community that lacked access to academic papers on philosophical topics. The paper could have been rejected by the reviewers, never seeing the light of day. Even when it comes to common, trivial things such as reading a paper, countless external influences and conditions are essential to things being as they are.

The same, of course, applies to actions and happenings that have greater import and relevance, including moral relevance. No one would blame you if you were to stop reading this paper right now and to run towards a child who was drowning nearby. Indeed, if you were to keep reading in such circumstances, you would surely be open to blame. If you were to run to the child but were unable to help him because you never learned how to swim, perhaps you would not be as open to blame, but questions could be raised about why you never took the time to learn how to swim, which could possibly save lives. Or imagine you are a smoker hiking in the hills of California and drop a cigarette butt on one of your walks. If the wind is blowing just right, you could cause a fiery disaster that puts thousands at risk. Suppose this happens. Are you more blameworthy than other smokers who were also hiking in California and smoking in the dry hills but who did not cause a fire?

In sum, things that are out of our control can and do influence the outcome of our actions. Furthermore, lucky and unlucky events can influence the outcome of our actions in possibly morally relevant ways; it seems we would blame the smoker who starts the fire more than the smoker who does not, even though the difference between them is a matter of where the wind was blowing that day. The problem of moral luck lies in the tension between our intuition that agents should be blamed only for things that are within their control and the fact that a) we often praise and blame agents for things that are based on factors beyond their control and b) various factors and conditions influence our actions and their results.

This paper discusses a recently published solution to the problem: Rik Peels's [2015] modal solution to the problem of moral luck. I present the solution, discuss Robert Hartman's [2017] several objections to it and provide my own analysis of its merits. The paper is structured as follows. The second section presents the problem of moral luck from a general point of view. The third section then focuses on the debate on moral luck, following Hartman [2017]. This helps to position the modal solution within its broader philosophical context. The fourth section sets out Peels's modal solution to the problem of moral luck in further detail. The fifth section investigates Hartman's objections to Peels's

solution and finds them wanting for various reasons. The sixth section presents a new criticism of the modal solution. The paper ends with a brief conclusion.

2 The problem of moral luck

This section aims to present the problem of moral luck to readers who are not deeply entrenched in the debate. I do not seek to present an in-depth analysis of the problem, as this has been done many times over (see, *e.g.*, Zimmerman [2006], Enoch [2010], Coffman [2015: ch. 5], Hales [2016], Hartman [2017], Nelkin [2021]). The debate is so widespread that the introductory sections of most papers on moral luck now look somewhat alike. They tend to begin by mentioning the founding fathers of the discussion in its most recent version—*i.e.* Nagel [1979] and Williams [1981, 1993], who presented and discussed the abovementioned tension between our intuitions about our moral practices and our actual moral practices.¹

We certainly do blame others,² and we ourselves have surely also been blamed at one point or another. We do not want to blame people for actions over which they have no control. We feel a deep need to defend ourselves when blamed for something for which we do not feel responsible. You can blame me for how this paper is written, but you should not blame me for the fact that it is written in English. I do not have any control over the fact that English has become the dominant language of academic philosophy and that, at least if one wants to present ideas to a widespread audience, one must write in English. But let's turn to examples of deeper moral relevance, as they are the easiest way to present the problem.³

Imagine two judges, both of whom are equally willing to accept bribes. One happens to be offered a bribe and takes it; the other is not presented with such an opportunity. We seem to be willing to put more blame on the bribe-taker than on the judge who is never

¹ Arguments about moral luck depend on empirical facts about people's moral intuitions. Some authors have undertaken empirical research into these intuitions; some claim that the everyday person does not actually feel the tension described above, while other studies do claim to find empirical support for it. The interested reader should consult Enoch and Marmor [2007], Enoch and Guttel [2010], Kneer and Machery [2019] and Kumar [2019].

² As is common in the literature on moral luck, I will focus on the practice of blame, blaming and assessing agents as blameworthy. I will not discuss praise and laudability, *etc.*

³ These are the standard examples.

given the opportunity to accept a bribe. Or imagine two adults, both of whom hate helping others. One comes across a drowning child and refuses to save him, while the other never happens to find himself in such circumstances. In both scenarios, we would likely assess the one agent differently than the other, even though the only difference between them concerns the circumstances in which they find themselves. The one we would not blame was simply never called on to help, but otherwise the two are the same. We surely put more blame on the bribe-taker and the help-refuser, but the difference seems to concern the circumstances in which they find themselves, not anything to do with who they are as moral agents. This is known as the problem of circumstantial moral luck.

Now consider the example of young Herman, whose family moves from Germany to Australia at the beginning of the 1930s. Herman, a very impressionable child, grows up to be a polite and caring young man who harbours no ill-will toward anyone. If his family had happened to stay in Germany, however, there is a chance he would have turned out to be an SS officer with a deep hatred for Jews. Does Herman the SS officer deserve more blame than Herman the Aussie? They differ greatly in terms of their character, but the difference appears to be based solely on the different situations in which they were brought up. These kinds of differences, which are connected to the way one happens to be, are described in the debate as belonging to constitutive luck.

Or take the following scenario. Imagine two killers who are exactly alike in terms of character, motivation and ability and who take identical courses of action in attempting to murder their victim. Both take aim and then shoot at their intended target. The one hits his victim, killing him instantly; the other's bullet is intercepted by a bird. We seem to put more blame on the former than on the latter.⁴ This is an example of a difference that is completely beyond the control of both shooters. They are exactly alike up to the point at which they act—an action that both believe will result in murder. Yet the eventual outcome, the result, is influenced by a fortuitous event. This is called the problem of resultant moral luck.^{5,6}

⁴ These kinds of examples are not usually cases in which both outcomes (one intended and the other unintended) are morally praiseworthy. I will not investigate this matter further in this paper.

⁵ There is one further kind of moral luck—causal moral luck based on how one's actions are determined by the past. All of these four basic categories of luck were presented by Nagel [1979].

⁶ There is some discussion on the possibility of making distinction in moral relevance when it comes to different kinds of moral luck (see Otsuka [2009], Rivera-López [2016], Nyman [2022]).

3 The debate on resultant moral luck

This section presents the relevant positions in the debate on moral luck. Hartman [2017: ch. 1.4] divides solutions to the problem of moral luck into four categories: the sceptical view, the counterfactual view, the asymmetry view and the moral luck view.⁷ Proponents of the sceptical view deny the existence of moral luck (at least with respect to the three kinds of moral luck presented in the previous section). Moral luck would diminish moral responsibility, and its possible existence threatens the practice of holding people morally responsible. Even though lucky events do exist, they do not make a moral difference. As a consequence, the agents from the examples outlined above (the two judges, the two Hermans and the two shooters) are all morally on a par. Proponents of this view are thus responsible for providing an explanation of our intuitions about these agents' respective blameworthiness.

On the counterfactual view, morally relevant (un)lucky events do exist, but one has to be cautious when assessing how exactly they are consequential to moral appraisal. The sceptical view on moral luck simply denies the existence or relevance of moral luck for our moral assessment of agents or their actions. The counterfactual view, on the other hand, is specified to acknowledge the precise role that morally lucky events do play in our moral appraisal. One of the most prominent examples of the counterfactual view is developed by Zimmerman (see e.g., Zimmerman [1988, 2002]). According to this view, moral luck does influence the scope of our blameworthiness. It does not influence the degree of blameworthiness. This is because in moral evaluation we take into account not only the outcome of the agent's action in the actual world but also its outcome in counterfactual situations. Therefore, it does not matter that a bird intercepted the one shooter's bullet in this world. This does not make a moral difference in degree simply because there are many counterfactual situations in which there is no bird and the agent ends up murdering his victim. Morally (un)lucky events, on the other hand, do influence the scope of agent's blameworthiness. Insofar as we take these counterfactual situations into account when assessing moral blameworthiness, the actual circumstances are not solely morally relevant.⁸

The asymmetry view draws a distinction between the moral relevance of different kinds

⁷ I advise the reader to consult Hartman's book, especially ch. 1 and 2, for a good and lengthy list of references for the positions specified here.

⁸ The most discussed author in this field seems to be Zimmerman [2002a, 2002b, 2006], who distinguishes between moral degree and moral scope. More on this later.

of moral luck. It allows for the moral relevance of circumstantial and constitutive moral luck but denies the relevance of resultant moral luck. As Hartman puts it: “On this view, there is a morally significant difference between the kind of luck that operates after two agents perform the same action and the kind that *precludes* two agents from performing the same action”. (Hartman [2017: 10]). The bribe-taker is therefore more blameworthy than the judge who is not offered a bribe, and SS Officer Herman is more blameworthy than Aussie Herman, but the shooter who hits his target and the shooter who hits the bird are equally blameworthy.

The last type of view, the moral luck view, holds that the three kinds of moral luck outlined above all exist and do give us reason to assign agents different levels of blameworthiness. Hartman [2017] provides us with an excellent example of this view. The details vary, but the key challenge for proponents of this position is to ground the moral relevance of luck in intuitions and arguments that do not themselves presuppose the existence of moral luck. Otherwise, they will be begging the question.

4 A modal solution to the problem

Peels [2015] presents a modal solution to the problem of moral luck. He aims to defend the counterfactual view (mainly as articulated by Zimmerman) against a key objection. The objection is roughly as follows: if we are also to consider counterfactual situations when evaluating the blameworthiness of the agent, then this either diminishes the relevance of his/her actions in the actual world or makes him/her responsible for distant actions that arise in wildly different positions and circumstances. Imagine Pastor Bob, who lives a pure and mindbogglingly clean life worthy of nothing but moral praise. On this view, his actual path in life is not sufficient to establish his moral standing—in another possible situation, he could have been a child killer, an abuser, and so on, and we need to take these possible situations into consideration when assessing his moral worth. If true, this would be unfortunate for our moral practice.

Peels aims to fend off this objection. The modal solution to the problem crucially involves filtering. From all the possible counterfactual situations in which an agent could find him/herself, we perform a filtering operation such that we are left with only those

that are relevantly similar to the actions under consideration in the actual world.⁹ In other words, not all counterfactuals matter. We should consider only those that are “close” to the “point of evaluation”. Peels keeps the notion of closeness purposefully vague. His primary aim is to respond to attacks rather than to present a fully fleshed out theory.

Notice, however, that the modal solution does not aim to solve the full range of cases in which the agent could be blamed for actions beyond his/her control. The solution is aimed at those that can be considered (un)lucky. A lucky (or unlucky) event is one that occurs at the point of evaluation (maybe the actual world) and does not occur in a wide range (majority) of close possible worlds. There are further conditions. In full:

An event *E* is lucky or unlucky for some person *S* at some time *t* iff

- (i) *S* lacks control over the occurrence of *E* at *t*.
- (ii) *E* is significant to *S* at *t*, and
- (iii) *E* occurs in the actual world, but does not occur in a wide class of nearby possible worlds. [Peels 2015: 77]

Peels adds the significance criterion to filter out events such as the direction of the wind at the South Pole, *etc.* Importantly, while our evaluation need not be strictly dependent on the actual world, this is a world-based account of moral worth. Therefore, moral worth is ascribed not unconditionally but with respect to some point of evaluation (call it the actual world). Peels’s account is intended to cover cases of moral luck that are considered ‘lucky’ (or ‘unlucky’) in his strict sense of the term. Not all actions that are beyond the agent’s control are also (un)lucky in this respect. Judges are commonly offered bribes, but such events need not be (un)lucky in Peels’s sense.^{10,11} By contrast, we can consider the difference

⁹ Although this position does use a term from possible world semantics that is used heavily in modal logics, there is nothing particularly technical in the proposal. There is no need for the reader to be particularly well versed in these areas.

¹⁰ One of Hartman’s criticisms aims exactly at this point. Peels is aware of this feature of his proposal and discusses the relaxation of the lucky condition. More on this later.

¹¹ Notice, that in the introduction I presented the judges case in a way that Peels’s definition applies. In the introductory example, one judge is never offered a bribe—so he never has the opportunity to take it. This makes Peels’s account applicable. Now let’s differentiate it with the case of a judge, say in some underdeveloped country, who is often offered bribes, but is not offered a bribe in a particular occasion. His not taking the bribe in this particular occasion is not (un)lucky in Peels’s sense.

between the killer who shoots the man and the killer who shoots the bird as being based on the lucky event of the bird's crossing the path of the bullet.

This "solution" seemingly easily defuses the main objection to the counterfactual view. We no longer need to consider possible worlds that are too distant from our actual point of evaluation when morally evaluating an agent (or his action).¹² We need not take into account some evil distant counterpart of Pastor Bob when considering his actions, and we can appraise his moral status in line with what we would normally expect of a Pastor with an impeccable moral record. There seem to be at least some guiding rules when it comes to considering which worlds to include. Although we can consider counterfactual scenarios in which the agent has certain traits he lacks in the actual world, we should not include counterfactual scenarios in which he is radically different:

For instance, I could have been born without a disposition to be peaceful. But there is *no* close possible world in which *several* character traits of mine are different. Maybe there are such possible worlds, but they will not be nearby. On the contrary, they will be far away, so that it is *not* a matter of luck that things are not that way. [Peels 2015: 79]

If successful, Peels's account could provide a nice and clean solution to at least a subset of the problems associated with moral luck. Peels is aware that his solution only applies to certain cases in which the agent lacks control over the outcome of his/her actions—those considered 'lucky' (in his sense).

5 Hartman's objections

The previous section established the modal solution's position within the philosophical debate on moral luck. This solution has recently been scrutinized by Hartman [2017: ch. 4]. In this section, I discuss his four objections.¹³ As we will see, they each face problems of their own or miss their target.

Let us consider each in turn. Hartman claims that "... at least some of the counterfactual

¹² There is a relevant difference between establishing the moral worth of the agent and establishing the moral worth of his/her actions. Nevertheless, I do not consider this difference in this paper.

¹³ While Hartman offers more than four arguments, some of his arguments do not share all the presuppositions of the modal solution to moral luck. I do not consider those arguments that do not share the assumption of the existence of true counterfactuals of freedom (see Hartman [2017: ch. 4, §5], Peels [2015: fn 9]).

free actions that an agent performs in close possible worlds differ radically in moral valence from her actual free actions” (Hartman [2017: 65]). For this to be a successful objection, Hartman should demonstrate this possibility. And indeed, he goes on to provide such an example:

Suppose that actual Ben is an average person, neither very good nor bad. Suppose also that although his parents do not get on a particular plane in the actual world, they get on it in the majority of nearby possible worlds. And in those close possible worlds, his parents die in an explosion on the plane due to modally resilient technical errors by the maintenance crew. In these close worlds, Counterfactual Ben forms the malicious desire to harm the people who are responsible and kills several people who work for the airline. [Hartman 2017: 66]

This example, if valid, would be exactly the kind of case that Peels’s solution was supposed to block. Hartman claims that this is an example in which the actual Ben is blameworthy because he would perform morally questionable actions in the majority of close possible worlds. Therefore, on the counterfactual view, actual Ben is as blameworthy as counterfactual Ben. This demonstration does not hold under closer scrutiny, however. The argument is put forward via the case of Ben who does not kill anybody in the actual world, but whose parents get on a plane in the majority of nearby close possible worlds and an accident caused by the crew happens in that majority of close possible worlds. Ben consequently becomes a killer in those worlds. The problem with this case is that it is not a case in which the modal solution of the problem of moral luck is applicable. There are several reasons. First, in order to consider this as a relevant case against Peels’s solution, we need the events in the scenario to be considered lucky. And it is exactly for the way the case is presented by Hartman that this is not the case. By Peels’s account, an event is lucky if it: “... occurs in the actual world, but does not occur in a wide class of nearby possible worlds” (Peels [2015: 77]). The bad event here, however, happens in the majority of nearby possible worlds. Also, the bad luck does not happen in the actual world in Ben’s case. Therefore, even though it is a valid case when considering moral luck in the general debate—it is a case of circumstantial luck—it is not a case at which Peels’s solution is aimed at or designed for. In short, the bad luck described here is not unlucky according to Peels.¹⁴ Therefore, even if Hartman’s point is valid, his argumentation here has problems. In order to be applicable, one needs to

¹⁴ I discuss whether this is good or bad in my criticism of Hartman’s methodological objection below.

change the case as follows: Ben's parents get on a plane in the actual world and in some, not the majority, of the close possible worlds. In all these, Ben becomes a killer. In the rest of the close possible worlds, Ben does not kill anybody. This amended case—a point where Peels's account should be applicable—demonstrates Hartman's point and does present a problem for the modal solution.¹⁵

Let's turn to the second objection.¹⁶ The classical counterfactual view is open to the claim that it diminishes the moral relevance of agents' actual actions. This is because there are infinitely many counterfactual situations that diminish the relevance or strength of the actual one. Hartman acknowledges that this objection does not apply to the modal solution but criticizes the solution from the opposite direction. According to him:

This escape route, however, generates a new problem—namely, actual character-forming free actions have hyperbolic responsibility-level significance, because a single character-shaping blameworthy action (or a small finite number of such actions) can form an agent's character in a way that makes true an extremely large number of counterfactuals of freedom [...] Peels's (2015) view, thus, has the counterintuitive consequence that performing one blameworthy action, such as telling a lie, can make the agent blameworthy to a staggering degree. [Hartman 2017: 67]

Here, we are asked to consider the consequences of the actual action for our moral evaluation of the agent. Upon reflection, I found it hard to find the relevant cause behind this line of Hartman's criticism. He seems to present, as a negative aspect of Peels's solution, that what an agent does in the actual world is of great consequence for our consideration of his/her blameworthiness. Hartman tries to put weight on his claims by using exaggerations. He presents this relevancy of an actual action as 'counterintuitive'. Also, he describes the level of blameworthiness as 'staggering'. More technically, he claims, that an actual action of an agent has (maybe as a consequence), the same action happening in (maybe the majority

¹⁵ Furthermore, an ordinary person can behave rather unpredictably when faced with unexpected circumstances. For example, a completely peaceful person can turn violent when pushed to a fire. And close possible worlds can include such circumstances even if the actual world, with respect to which we assess the agent's responsibility, does not. The reason is simple. The actual world, by what we can tell at least, is nonlinear. A very small difference in starting conditions can lead to a huge difference in outcomes—putting an agent in widely different situations even in a close possible world.

¹⁶ I do not present the objections in the order Hartmann presents them. Instead, I present them in order of strength.

of) the close possible worlds. It is not clear, however, why this should be a problem. We normally do ascribe a high relevance to the actual actions of the agent, when we consider their blameworthiness. Furthermore, this seems to be in line with Hartman's own opinions. Just a paragraph before he presents this objection, he claims:

The Counterfactual View, then, undermines the following moral motivation: An agent pursues good actions to add *significantly* [italics mine] to her overall praiseworthiness and avoids bad actions to prevent adding *significantly* [italics mine] to her overall blameworthiness. [Hartman 2017: 67]

It seems that Hartman respects this moral motivation of the significant role of our actual actions in our overall blameworthiness. He does not describe this as counterintuitive or staggering. So, it's not clear why it should be problematic for Peels's account either.

The third objection is as follows:

Suppose that although Charles enjoys gambling, he has never been reckless. And in a close possible world but not in the actual world, Charles loses his job. This is devastating news for him, because the majority of his self-worth is bound up in that job. He attempts to distract himself from his newfound emptiness by heading to the closest casino. In that circumstance, Charles would freely make a series of reckless bets and lose his life savings. Suppose that this kind of action is out of character for Charles and that Jan, Charles's wife, knows that this counterfactual of freedom is true. [Hartman 2017: 67–8]

As Hartman puts it, if we apply the counterfactual view, Jan could feel that the blame she puts on her husband is appropriate. As the example stands, however, there is nothing in the actual world for which Charles could be blamed—so the conclusion the view prescribes is wrong. Nevertheless, this objection does not speak against the modal solution. The objection is again based on the assumption that the case is a valid example of the use of the modal solution. The objection presents a wife blaming her husband for an action he would commit in a close possible world. As above with Ben example, my main problem is that it is not a case where Peels's solution is applicable. Analogously to Ben's example, in order for it to be applicable, it must present a case of (un)lucky event and as above, it does not. Remember that in order for an event to be (un)lucky, it must occur in the *actual* world. This is exactly not the case in this Hartman's objection. Even worse, Hartman cannot really amend it (as was possible in the case of Ben) and still maintain his point. The main force of his objection is against the validity of blaming somebody in the actual world

for an action he did not do there. However, in order to apply Peels's solution, we have to consider agents, whose bad luck happens also in the actual world. But then, their wives surely can go on and blame them righteously. If we adhere to the conditions of applicability of the modal solution, we cannot apply it to "... blaming someone in the actual world on account of what he would freely do in a circumstance that *never becomes actual* [italics mine]" (Hartman [2017: 68]).

Let us now consider the final objection. This one has perhaps the most power. Hartman spends much time arguing that the problem of moral luck actually involves scenarios where the results of agents' actions are influenced by factors beyond their control. These factors need not be (un)lucky! Thus, the problem of moral luck is actually a problem of how to morally evaluate actions over which we have limited control. And Hartman rightly argues that Peels's solution depends heavily on the notion of luck at play (even though it is specified modally). Thus, his modal solution to moral luck is a solution to only a small subset of the cases at issue in the debate on moral luck. This objection seems to be correct, unless we take into account the fact that Peels himself was aware of the narrow applicability of his account. Peels, probably unluckily, distinguishes between 'lucky' moral luck scenarios and 'lack of control' moral luck scenarios.¹⁷ So, although the objection reveals some limitations of the modal solution, these are limitations of applicability and do not affect the merit of the solution when it is in fact applicable. We should not criticize a theory or scientific model for its failures when it is misapplied. And we (and Peels) are free to consider whether the notion of a close possible world, without restriction to lucky events, is useful for solving the wider problem of moral luck (not only in 'lucky' moral luck scenarios).

In general, I agree with the *gist* of this line of criticism by both Hartman and Anderson. They both criticise Peels's position as really focusing outside of the centre of the debate on moral luck. The principal problems are connected to the lack of control over outcome of an action, not to the fact that these should be also lucky (modally limited in occurrence, improbable). Anderson suggested: "When discussing moral luck, we are best off treating it simply as moral lack of control" (Anderson [2019: 28]). I agree with Hartman, Anderson, and presumably with the majority of the rest of the authors debating the problem of moral luck, that the responsibility for an action or personality when we lack control over its outcomes (or sources) is the main problem. There are not two problems—the lack of control

¹⁷ See Peels [2015: 82]. Hartman is aware that Peels distinguishes between lucky scenarios and scenarios marked by a lack of control (see Hartman [2017: fn 12]).

and moral luck. Peels's position covers the problem of lack of control, but with further condition of it being lucky.

Peels really does not help himself with some of his statements, however:

Since this problem does not involve the notion of luck, it is somewhat different from the problem of moral luck that I discussed above. Let us call this new problem the *problem of control*. Since it is a somewhat different problem, the solution I will offer also differs somewhat from the solution I offered above. [Peels 2015: 82]

If we take him up on his words in those passages, he really opens himself to criticism by both Hartman and Anderson. However, the position itself—i.e., the modal solution to the problem of moral luck is a solution aimed at problems where lack of control is a prominent feature. Peels's own presentation of the problem of moral luck has this as an integral part: “Events that are due to luck are events that are beyond one's control” (Peels [2015: 74]). And he presents the lack of control as one of the conditions for something being considered lucky: “An event *E* is lucky or unlucky for some person *S* at some time *t* iff (i) *S* lacks control over the occurrence of *E* at *t*, ...” (Peels [2015: 77]). So, Peels is incorrect in suggesting that his position is *not aimed* at situations where lack of control is a necessary feature. In short, Peels's position is aimed at the problem of the moral luck of control. However, it is limited to a subset of cases, probably a small one: those which are *also* lucky. There are not two problems. The problem of moral luck is a general one and the modal solution of the problem of moral luck is applicable, by its own characterisation, as a solution to this problem only in a (probably small) subset of cases—those that are lucky. Consequently, the solution to the general problem should be also a solution to the special case. Conversely this (probably) is not the case.

My criticism of these arguments against Peels's position is methodological. The specification of the modal solution to the problem of moral luck precludes it from being applicable as a solution to the general problem of moral luck. On the other hand, it is still applicable to a subset of cases. Therefore, it is not completely missing the point. It only solves a subset of cases, if at all. I find this view much more charitable to the position itself.

6 Further limits of applicability

In the previous section, I analysed several objections to the modal solution to moral luck and found them all wanting for various reasons. This should not be taken as a point in

favour of the solution, though. The focus of this section is a further counterexample to the modal solution. I developed a rather distinct objection to the modal solution of the problem of moral luck, based on the example developed by Peels himself as well as one discussed by Zimmerman. The counterexamples developed by Hartman are specified when considering only one agent in different possible worlds. This kind of example can be rather hard to follow in detail. The standard examples usually present two different agents (identical in preparations, motivations, *etc.*) and assert the equal blameworthiness between them. As Anderson puts it:

But am I any more blameworthy than the agent whose bullet (as luck would have it) hits the bird? The intuitive answer, contested Zimmerman, is no. The kind of control principle which generates this intuitive answer will not focus exclusively upon what a single agent controls in isolation, but will compare what two (actual or possible) agents control in parallel scenarios. The basic gist of this kind of comparative condition of control is that where two (actual or possible) agents' stories would be identical but for features beyond their control, they are morally on a par. (It doesn't matter whether the agents being compared are actually existing beings, the same agent in different possible worlds, or counterparts across worlds.) [Anderson 2019: 9]

I will present my counterexample as a situation for comparing the degree and scope of blameworthiness between two agents. Consider the following scenario (like the one by Zimmerman [2002: 563–5]). Let's have two agents, say Robert and Rik, who are the usual shooters trying to kill a person in the actual world. Both shoot, Robert kills the person, Rik's bullet hits a bird. So far, this is a standard run-of-the mill example in the debate on moral luck. Let's develop this example further. Consider that they both shoot in all close possible worlds with respect to the actual world. Furthermore, consider that not one of them kills a person in any of the close possible worlds (for various possible reasons). Now, applying the degree/scope solution, these two agents are equally blameworthy in degree (in the actual world) even though their blameworthiness differ in scope: Rik does not have 'being responsible for the killing of a person' in his scope, Robert does.

First, we have to check, whether we can apply the modal solution to the problem of moral luck here. The most discussed condition (the one added by Peels) is that the killing must be considered lucky. And it is. It is significant to Robert; it is beyond his control; and it does happen in the actual world without happening in the majority of the close possible worlds. The way this example is specified, it is very lucky. The killing does not occur in any of the close possible worlds. So, this should be a case covered and solved by

the modal solution of moral luck *par excellence*. However, what is Rik really responsible for? He did not kill the person in any of the worlds relevant for assessing his responsibility in the actual world. Therefore ‘being responsible for killing a person’ is not in the scope of Rik’s blameworthiness. This seems to block the applicability of the modal solution to this example which it should really cover. Peels himself stressed that the scope cannot be empty:

Second, some philosophers have suggested that one can be blameworthy without being blameworthy *for something*. I find it hard to make sense of this response. If one is *not* blameworthy *for something*, then one is blameworthy for nothing. And it seems that if one is blameworthy *for nothing*, then one is not blameworthy at all. The notion of blameworthiness *simpliciter* is not one that we find in ordinary discourse, and as long as we have not been given a more detailed philosophical description of what blameworthiness *simpliciter* is supposed to be, I find it hard to make sense of the idea that we are sometimes blameworthy *simpliciter*. [Peels 2015: 76]

One can try to overcome this problem by stating that even though Rik does not have ‘being responsible for killing a person’ in his scope, the scope is not empty. For example, he has ‘being responsible for trying to kill a person’ in the scope. Two things to say to this. First, this solution would not really follow Zimmerman in his analysis of a very similar case (see Zimmerman [2002: 563–5] and especially his [2002: fn 30]). If we followed Zimmerman’s analysis in our case, the scope of Rik’s responsibility should be empty—something Peels was against. Second, Peels states further conditions for somebody being blameworthy for something:

Notice that my analysis of luck is in a sense radically *objective*: whether or not an event is lucky for one depends on whether it is beyond one’s control, of significance to one, and sufficiently likely not to occur, whether one believes that or not. [Peels 2015: 79]

But it seems that in order to be put in the scope of blameworthiness, it must occur at least once. In other words, to be blameworthy for killing a person, one should either kill the person in the actual world (which is not Rik’s case) or *would* kill the person in at least one of the close possible worlds (not Rik’s case either). So, it seems that the modal solution to the problem of moral luck is not applicable even for the cases it is deemed to be designed for.

7 Conclusion

This paper has investigated the modal solution to the problem of moral luck. I began by locating this problem within discussions in moral philosophy and by presenting basic cases of moral luck. The modal solution was presented as a counterfactual approach to the problem of moral luck. The motivation for the solution was to block the main objection to the standard counterfactual view articulated by Zimmerman. I defended the position against four relevant objections voiced by Hartman. This should not be taken as an argument for the theory. I presented a counterexample to the theory in which the limits of its application are demonstrated. This paper can be considered either as a call to further develop the theory in a way that blocks the counterexamples in a non-ad hoc way or as an objection to the use of the theory even in cases of ‘lucky’ moral luck scenarios.^{18,19}

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