

Luck, Responsibility, and the 'Natural Lottery'

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Abstract: I distinguish a thin conception of luck from various thick conceptions, argue in favor of the thin conception for purposes of moral and political philosophy, apply the distinction to constitutive luck, and criticize the idea of a 'natural lottery'.

1. Terminological tidiness.

In a well-known pair of articles both called "Moral Luck", Nagel (1979) and Williams (1981) comment on the Kantian idea that morality must be independent of luck in some sense. They both think it is basic to our intuitive ideas of morality that what people are morally responsible for cannot depend on mere luck., though Williams is skeptical about this aspiration and thinks it is bound to be disappointed. As Dennett (1984) notes, both Nagel and Williams take the concept of luck more or less for granted in these articles (1984, 81, 92ff). By contrast, Dennett (rightly, in my view) regards luck as a curious and treacherous concept.

I here argue that we should distinguish between thin luck and thick luck. This distinction has not been drawn in discussions of moral luck. Ambiguity and conflation of thin luck and thick luck has, I believe, contributed to unclarity surrounding uses of the notion of luck in moral and political philosophy. I will briefly introduce the distinction in the context of the discussions of moral luck by Williams and by Nagel, and explain how thick luck ramifies into a variety of thick conceptions of luck.._ I'll go on to argue that the thin concept of luck is more useful and appropriate in moral and political philosophy, and to apply the distinction between thin and thick luck to issues about constitutive luck and the 'natural lottery'.

Thin luck is simply the inverse correlate of responsibility, in the full-blooded sense that licenses and is implied by praise, blame, moral assessment, moral accountability, and resentment and other reactive attitudes. What is a matter of thin luck for agent is just what he is not responsible for, and what he is responsible for is not a matter of thin luck for him. _ Thin luck is just the absence or negation of whatever it is that makes for responsibility. The thin concept of luck is transparent: it contributes no independent theory or content to our understanding of responsibility and what defeats it. Thin luck provides a handy conceptual correlate of any independently arrived at conclusions about responsibility._

Thick luck, by contrast, is not simply the inverse correlate of responsibility. Thick luck ramifies into a variety of thick conceptions of luck. They all have some implications or

content more specific than the negation of our bottom line judgements about responsibility, though this content can differ considerably between different thick conceptions of luck. Thick luck can therefore purport to make some independent substantive contribution to our understanding of responsibility. It does not simply follow that understanding, but can in principle cut across it. When something is a matter of thick luck for an agent, it is an open substantive question whether he is responsible for it. Thick luck may or may not be inversely correlated with responsibility.

For example, one thick conception of luck is that of luck in the ordinary sense in which winning a gamble or lottery is a matter of luck: lottery luck. This thick conception of luck is often combined with the idea of constitutive luck in the metaphor of a natural lottery of constitutions, which is taken to express our lack of responsibility for our constitutions. I'll argue below that the thick conception of lottery luck has implications about the identity of the agent who enters the lottery and about the role of chance in lotteries. These implications diverge from those of thin constitutive luck and raise substantive questions about responsibility; we cannot simply assume that lottery luck is inversely correlated with responsibility. I'll argue that lottery luck cuts across responsibility: we can be responsible for what is a matter of lottery luck, and not responsible for what is not a matter of lottery luck. As a result, the idea of a natural lottery is confusing and misleading as a metaphor for our lack of responsibility for our constitutions, or thin constitutive luck.

2. Williams and Nagel on moral luck.

Williams doesn't say exactly what he means by 'luck'. He claims, as he puts it, to "use the notion of 'luck' generously, undefinedly, but, I think, comprehensibly" (1981, 22). He takes it to be basic to our ideas of morality and justice that the subjection of morality to luck is incoherent. Nevertheless he holds that the Kantian aim to immunize morality against luck is bound to be disappointed, which calls our intuitive moral conceptions into question (1981 22, 36n, 39). Our judgments of moral responsibility are subject to luck in ways that conflict with the Kantian aspiration.

Williams usage of "luck" is ambiguous in relation to the thick/thin distinction, but is probably best interpreted in terms of an undifferentiated thick concept of luck. He uses it not just to report that intuitive morality regards the subjection of morality to luck as incoherent, but also to express skepticism about the aspiration of intuitive morality to immunize morality against luck. So on his dual use of "luck", it must make sense to ask whether the aim to immunize morality against luck could conceivably be disappointed, whether someone could properly be regarded as responsible for something that is a matter of luck. In the thin sense of luck, these questions do not make sense. Thus, though Williams does not positively explain the specific sense of "luck" he has in mind, he must use an undifferentiated thick concept of luck.

Nagel uses a specific thick conception of luck, which expresses lack of control:

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 judgment, it can be called moral luck. (1979, 26)

To require control for responsibility is to reject moral luck. Since significant aspects of what we do are almost always in part beyond our control, a control requirement for responsibility would threaten to erode most moral assessments. But such a requirement seems correct to Nagel even so (1979, 26).

Luck-as-lack-of-control can be compared with luck in the ordinary sense in which the outcome of a lottery is a matter of luck for someone. Lack of control is necessary but not sufficient for lottery luck. If the outcome of a lottery is a matter of luck for someone, he does not control that outcome. If he does control it, there is cheating going on; the outcome is not a matter of luck. So lottery luck implies lack of control. But not everything that someone lacks control over is the outcome of a lottery. So, we can in this way distinguish two related thick conceptions of luck: lack of control, and lottery luck.

Nagel explains that the erosion of moral judgment by the requirement of control is a natural consequence of ordinary intuitive ideas of moral assessment and of responsible agency. These ideas he regards as incompatible with the understanding of actions as events in the world and of agents as things in or parts of the world.

Once people are seen as parts of the world, determined or not, there seems no way to assign responsibility to them for what they do. Everything about them, including finally their actions themselves, seems to blend in with the surroundings over which they have no control (1986, 120ff; see also 1979, 36).

Notice that more than just control is at issue here. Control itself is part of the natural world, as in genetic control. Nor is there any difficulty in understanding artificial control systems, such as thermostats, as part of the natural world. We don't argue that genes and thermostats could not really control anything because they are part of the natural world. Neither does a person's being part of the natural world show that she doesn't really control anything. This suggests that Nagel implicitly requires more than just control for responsibility.

What he seems to be requiring is a special kind of control: regressive control. Regressive control of X requires control of X's causes as well as of X itself. Control of X does not in itself require control of X's causes. For example, a thermostat controls the temperature of a room: it maintains room temperature at a target value by compensating for exogenous causes, such as sunlight coming through a window, or clouding over, or nightfall. But the thermostat does not control these exogenous causes, and is not required to in order to control room temperature. Indeed, it could not control them, as ex hypothesi they are exogenous. So a thermostat controls but does not regressively control room temperature. Lack of control of

causes is luck in causes, in Nagel's thick sense of 'luck'. If responsibility requires regressive control, then lack of control of causes is incompatible with responsibility.

Nagel distinguishes luck in the consequences of action, luck in the circumstances of action, and constitutive luck, luck in the kind of person you are, your inclinations, capacities and temperament. Nagel understands constitutive luck thickly, as a specific sort of luck in causes, namely, lack of control of the causes of who and what you are, such as luck in having ancestors with genes for certain talents and without genes for serious diseases, in having a mother who did not smoke when she was pregnant with you, and so on, and thus in the causes of your actions. The idea of constitutive luck has played important roles in political philosophy (though not always under that name). For example, it often motivates familiar arguments about distributive justice, to the effect that since our native abilities, talents, etc. are mere matters of luck, we are not responsible for differential earnings or other social consequences that flow from them, and hence such earnings are properly subject to redistributive taxation.

We can apply the luck in causes vs. luck in effects distinction to various thick conceptions of luck. For example, compare lack of control of consequences with lack of control of causes. We can try to immunize acts against lack of control of consequences by paring our acts down to an inner act of pure will, a choice or intention or trying, with contents determined independently of their consequences, and by restricting responsibility accordingly. But the paring down tactic doesn't work against lack of control of causes, which Nagel also regards as incompatible with responsibility. We cannot control the causes of what we try to do, any more than the consequences.

If one cannot be responsible for consequences of one's acts due to factors beyond one's control, or for antecedents of one's acts that are properties of temperament not subject to one's will, or for the circumstances that pose one's moral choices, then how can one be responsible even for the stripped-down acts of the will itself, if they are the product of antecedent circumstances outside of the will's control?

The area of genuine agency, and therefore of legitimate moral judgment, seems to shrink under this scrutiny to an extensionless point. Everything seems to result from the combined influence of factors, antecedent and posterior to action, that are not within the agent's control. Since he cannot be responsible for them, he cannot be responsible for their results.... (1979, 35, emphasis added)

The final italicized sentence gives expression to the regression requirement for responsibility: in order to be responsible for something, one must also be responsible for its causes. Applied recursively, this principle generates a regress. Responsibility entails responsibility for causes, all the way back. Responsibility is not causally local.

The regression requirement for responsibility is often assumed in discussions of constitutive luck, when it is supposed that someone isn't responsible for his choices because

he isn't responsible for the constitution from which they result. However, the idea of constitutive luck does not entail the regression requirement for responsibility. We could agree that someone did not control and was not responsible for his constitution, but still think he was responsible for certain choices that flow from his constitution. We could hold that lack of control of causes, or Nagelian thick constitutive luck, is compatible with responsibility for the resulting choices. This would be to reject the regression requirement. Perhaps, as Nozick suggests, the foundations underlying desert don't themselves have to be deserved, all the way down (1974, 225).

The regressive control conception of responsibility results from combining two requirements. First, control is required for responsibility. Nagel understands constitutive luck as involving lack of control of causes, which negates our responsibility for our constitutive properties. Second, responsibility is required to be regressive. Combined with the control requirement, this means that responsibility requires control all the way back along the chain of causes. The combination implies that lack of control over one's constitutive properties, or Nagelian constitutive luck, negates responsibility for choices that result from those properties. It is this combined requirement, rather than the condition of control alone, that seems incompatible with naturalistic understanding. Indeed, it arguably makes responsibility impossible.

The components of this Nagelian conception of responsibility as regressive control are doubly dissociable. I've already noted that control is not in itself regressive; control of X does not require control of all the causes of X. A thermostat is not required to control all the causes of room temperature, all the way back along the causal chain, in order to control room temperature. So it could be held that responsibility for X requires control of X, but not regressive control. On the other hand, responsibility might be thought to require regressive choice rather than regressive control. To choose something is not necessarily to control it, or vice versa. Thermostats control but do not choose, and many choices do not exercise control.

3. How thick luck generates an empty ramification of issues, and a proposal.

So far we've compared one thick conception of luck as lack of control with a second thick conception of lottery luck. Since a control requirement is distinct from a regression requirement for responsibility, a distinct third thick conception of luck is lack of regressive control, according to which lack of control of any of X's causes suffices for X itself to be a matter of luck. A fourth thick conception of luck is suggested by the fact that control and choice can come apart, and by the way Cohen (1989) opposes luck to choice: something is a matter of luck for someone in this sense just if it is not chosen by him. Note that lack of choice does not always correlate with lottery luck: people may choose to enter lotteries in ways that give rise to so-called "option luck". On a choice theory of responsibility, people can be responsible for their option luck, or the outcomes of chosen lotteries. A fifth thick conception of luck could bring hypothetical choice into play as well. These various different thick conceptions of luck have different implications and inferential commitments.

In this way, thick luck ramifies into various distinct thick conceptions of luck, which cut across one another in various ways. Notice how the articulation of different thick conceptions of luck runs in parallel to the articulation of conditions of responsibility. The same distinctions emerge. Is luck more closely linked to lack of control or to lack of choice? Is responsibility more closely linked to control or to choice? Is luck lack of control, or lack of regressive control? Does responsibility require control, or regressive control?

I claim that this is a redundant and empty ramification of issues, which leads to unclarity and confusion. These distinctions between different thick conceptions of luck are derivative. It is important not to run together distinct conditions of responsibility. But it is not helpful for purposes of moral and political philosophy to conceive luck to admit of a parallel variety of distinct conceptions. There is no separate body of evidence or intuitions to which questions about whether luck is really lack of control or lack of choice, or really regressive, etc., are responsible. These are not fruitfully different substantive questions from questions about whether responsibility requires control or choice or is regressive.

Therefore, on grounds of conceptual hygiene, tidiness, and clarity, I recommend suppressing the thick usage of “luck” in moral and political philosophy. We do better to adopt a thin concept of luck, which is simply the inverse correlate of responsibility, with no independent commitments. This is a frank piece of conceptual legislation. The thin concept of luck cannot be used to wonder whether the aim to immunize responsibility against luck is bound to be disappointed (cf. Williams 1981). This may sound like a reasonable, even philosophically profound, thing to wonder; but the hygienic legislation proposed deflates this wonder. However, it leaves open all the relevant substantive questions about responsibility. It treats the parallel questions about luck as derivative, and as answering to arguments about responsibility rather than to independent arguments about luck. This proposal thus recognizes needed distinctions while avoiding the empty ramification of issues.

In the remainder of this article I will apply the distinction between thin and thick luck to issues about constitutive luck and the ‘natural lottery’. I’ll show how the metaphor of the natural lottery expresses a thick conception of constitutive luck, which cuts across across issues about responsibility for our constitutions and hence across a thin conception of constitutive luck. The thick natural lottery conception of constitutive luck has different implications and inferential commitments from the thin concept of constitutive luck. The metaphor is misleading, and we do better here in particular to adopt a thin concept of constitutive luck.

4. Constitutive luck and the natural lottery.

Recall that constitutive luck involves luck not in the effects of our actions, but rather in their causes, and in particular luck in who and what we are. We can distinguish different thick conceptions of constitutive luck from thin constitutive luck.

A thick concept of constitutive luck would reflect some specific conception of luck, such as luck-as-lack-of-control, or lottery luck. Nagel's thick conception of constitutive luck involves lack of control of causes. However, a different thick conception of constitutive luck is suggested by the widely used metaphor of the natural lottery. The natural lottery deals us good or bad luck in the form of morally arbitrary natural or social advantages or disadvantages: innate talents or handicaps, advantageous or disadvantageous family situations. To the extent that what we get in the natural lottery constitutes us as persons, determines who or what we are, what we get is a matter of constitutive luck.

By contrast, a thin concept of constitutive luck simply expresses the judgment that someone is not responsible for his constitution, without indicating the particular grounds for that judgment.

In the rest of this article I will examine the relationship between thin constitutive luck and the thick conception of constitutive lottery luck expressed by the idea of a natural lottery. What implications does the idea of a natural lottery have about someone's responsibility for his constitution? Does the idea of a natural lottery help to understand our responsibility for what we are and our natural assets, or provide a distinctively luck-related reason for judgments on these matters?

I will argue that it does not. The idea of a lottery of constitutions is a misleading guide to thin constitutive luck. Lottery luck is a kind of luck in consequences, and it has implications that do not project smoothly to luck in causes and hence to constitutive luck. In particular, there are two ways in which lottery luck has misleading implications in the context of concerns about responsibility for our constitutions. These concern the identity-dependence of lottery luck and the role of chance in lotteries. I will conclude that the metaphor of a natural lottery should be handled more critically than it usually is. It is not helpful in understanding our responsibility for our constitutions. We do better to stick to the thin usage of constitutive luck, and avoid the natural lottery metaphor. This claim aligns with my more general proposal to adopt the thin concept of luck.

5. Luck in lotteries as identity-dependent

The first way the idea of a lottery of constitutions is a misleading guide to thin constitutive luck concerns the identity-dependence of the luck involved in lotteries. Lottery luck requires that there is an agent whose luck is in question and whose identity is constant across the different possible results of the lottery.

Identity-dependent harm is an idea familiar from discussions of the impact of environmental policies on future generations. In such discussions, the point is made that if different environmental policies have cumulative effects on everyday life then different sperm and egg cells will unite and so different people will be conceived as a result of different environmental policies. So policies of depleting resources may not be worse for anyone: this can be referred to as the non-identity problem. The people who would exist given such policies would not have existed at all under different policies. No one is harmed by depletion if harm is identity-dependent, because the identities of people are not constant between the depletion scenario and alternative scenarios. The idea of harm involves a comparison of two states of affairs, one of which is worse than the other for the person harmed. If harm is identity-dependent, then the person's identity must be constant across the states of affairs compared. Identity-dependent harm or benefit is harm or benefit to someone. _

A qualification may be needed. If the lives of people who live given depletion are so bad as to be not worth living, depletion of resources might be said to make them worse off. If so, we don't compare their situation with an alternative in which they are better off, but with an alternative in which they do not exist. Because depletion is so bad for them, it might be said to be worse than nonexistence for them. This is a kind of limiting case of identity-dependent harm. But if it makes sense, it does so only if a life is so bad as to be not worth living. And while existence may count as a harm to someone in such a limiting case, it does not follow that nonexistence counts as a benefit to him. This asymmetry is characteristic of such a limiting case. _ The idea of harm to a person is extended as it were by courtesy to such a case.

There is a similar sense in which good or bad luck in gambles or lotteries is also identity-dependent: it must be luck for someone. And there must be someone whose identity is constant between various possibilities that would count as good or bad luck, in order for them to count as good or bad luck for that someone (as opposed to: just impersonally good or bad, or good or bad for mankind as a whole).

The idea of a gamble or a lottery expresses an identity-dependent conception of luck. A hand reaches into the barrel and pulls out a prize ticket or a penalty ticket. Since the hand might have pulled out either, what it does pull out is a matter of good or bad luck for its possessor. The same person's hand might have pulled a different ticket out of the barrel, with different consequences. If that is not so, then the idea that the result is good or bad luck for the hand's owner loses application. So does the idea of a gamble or lottery. These ideas are identity-dependent. Without an identity that is constant across alternatives, we don't have a gamble or lottery, but merely different possibilities, some good, some bad, in which different entities exist and different things happen. Not all such arrays of possibilities count as lotteries. The idea of a lottery, like that of a gamble, is tied to the idea of a constant identity, external to these possibilities, that could in some sense survey them and for which the outcome of the lottery counts as good or bad luck. _ That is, the idea of a lottery is tied to the idea of good or bad luck for someone. The someone in question need not actually be a

person: it could be an animal, or an honorary person, a nation or a corporation, but it must be an entity treated as having a unified perspective or constant identity for purposes of the gamble.

Lottery luck is normally a kind of luck in consequences: it is the consequence of an act of gambling that counts as good or bad luck. The identity-dependence of lotteries is normally unproblematic for luck in consequences. A person does an act, the consequences of which may be one thing or another. One result may be good luck for that agent, another bad. The agent of the act whose consequences are in question is the same, whatever the consequences turn out to be.

But when we turn to luck in causes, as in a natural lottery of constitutions, identity-dependence is not so straightforward. It may be good or bad luck tout court that this happened rather than, but if it is not good or bad luck for someone, then it is not the result of a lottery or a gamble. It might be a matter of good luck that the sperm and the egg from which Mozart developed came together, rather than some others. But this doesn't mean Mozart might have been someone else, and that he was lucky to have been Mozart; only that he might not have existed at all, and that it is lucky for the rest of us that he did.

Is a qualification needed here too? Suppose we have a limiting case of identity-dependent harm. In one possibility, someone's life is not worth living. Existence counts as a harm to him. In no other possibilities does he exist at all. Does it follow that his situation is bad luck for him in the sense of lottery luck? Does it follow from a limiting case of identity-dependent harm that there is a limiting case of identity-dependent bad luck? If it makes sense to say that his very existence counts as a harm to him, does it also make sense to say that his very existence counts as bad luck for him?

Two points in reply to these questions. First, even if such a limiting case of bad lottery luck for someone does make sense, it does so only when someone's life is so bad as to be worse for him than nonexistence. That condition will not be met by many people who suffer from various handicaps. Second, it's not clear that it does make sense. The identity-dependence of lottery luck is intuitively more stringent than the identity-dependence of harm. The difference between saying that something for which someone is not responsible counts as a harm to him and that it counts as bad luck for him precisely reflects the stronger identity-dependence of lottery luck. Even if we can make sense of harm by comparison with nonexistence, it is not clear that we can make sense of bad luck in the outcome of a lottery by comparison with nonexistence. Such bad luck intuitively requires identity to be constant across possibilities; it does not admit the limiting case qualification.

So: the thick conception of lottery luck has certain specific content and implications, apparently independent of our bottom line judgments about responsibility. It is a conception of luck as identity-dependent: the outcome of lottery or a gamble must be good or bad luck for someone. Return now to the idea of a lottery of constitutions. Can the outcome of a

lottery of constitutions be good or bad luck for someone? Is the thick conception of constitutive luck informed by the idea of lottery luck even coherent?

6. The bare self problem.

It depends on what we mean by “constitution”. In at least one sense of “constitution”, your constitution is that without which you would not be you, your essential properties. Constitutive luck challenges the Kantian requirement that, as Williams puts it, “what I most fundamentally am” should be beyond luck (1981, 38). In this strong sense, your constitution fixes your identity, who you are. In a weaker sense of “constitution”, your constitution is what you are in various respects, but these need not be essential to your identity. What you are could be different even though who you are is the same.

In discussions of the non-identity problem for future generations, it is often assumed that an essential property of a you is the combination of particular sperm and egg cells from which you develop. There may be a sense in which it is a matter of chance that these two came together. But this doesn't mean it is a matter of chance that you had developed from those cells, as opposed to some others, only that it is a matter of chance that you existed at all. There may be other essential properties of persons. Let us put aside for the moment the question of how a person is constituted in the strong, identity-fixing sense.

We are now in a position to pinpoint the first problem with the concept of a lottery of constitutions. This is the result of combining the identity-dependence of lottery luck with the strong identity-fixing sense of constitution. The thick conception of constitutive luck that expresses this combination is indeed incoherent. This is what we sense when we puzzle: “But who or what is it that could have had different constitutions or essential properties?” For there to be a lottery, there must be identity constant across possibilities. But if the possibilities are different identities, this is impossible. Identity cannot be constant across different possible identities. There can be no pre-entity whose good or bad luck it is to have one or another identity or set of essential properties or constitution in the strong sense. There can be no proto-self or possible self or bare self who might-have-existed-as-you or who might-have-existed-as-someone-else (however mathematically convenient it might be to suppose the contrary!). But the metaphor of a lottery of essential properties may encourage us to think in these incoherent terms. We can call this the bare self problem for the idea of a natural lottery.

The bare self problem for the natural lottery can be avoided. It depends on a purely logical point, the force of which turns on what we take to be the identity-fixing essential properties of persons. The problem extends only to a lottery of constitutions in the strong sense of “constitution”. Concerning aspects of what people are that are not essential to their identities, there is no threat along these lines to the coherence of the idea of a lottery of constitutions. So far, then, the idea of a lottery of constitutions is misleading for the strong

sense of “constitutive” but not for the weak sense. It could be said that we are not responsible for our constitutions because the outcome of the lottery of constitutions is arbitrary. But the coherence of this usage is restricted to the weak sense of “constitution”. So its coherence depends on whether the property whose constitutive luckiness is in question for someone counts as essential or not. And this may be unclear or controversial.

Notice that the bare self problem does not arise for luck in consequences. Luck in the consequences of an action does not in the same way threaten to undermine the identity of the agent. There is no logical difficulty about an agent with a given identity entering a lottery in which the different possible outcomes are the different possible consequences of some action or choice of his. The bare self problem arises when we try to project the identity dependent conception of lottery luck from luck in consequences to luck in causes, and to constitutive causes in particular.

The first way the idea of a lottery of constitutions can be misleading has been traced to the incoherence of combining the identity-dependence of lottery luck with an identity-fixing sense of “constitutive”. This gives rise to the bare self illusion. But the idea of a lottery can still be applied to aspects of what people are that are not essential to them. The coherence of the lottery of constitutions idea is thus restricted to the weak sense of “constitution”, in the way I’ve described. We can avoid the incoherence if we register this restriction. But in practice, the idea of a lottery of constitutions may still lead to confusion, since it may be unclear whether people are implicitly disagreeing about which properties are essential.

By contrast, the thin concept of constitutive luck is not so restricted. We can coherently judge that people are not responsible for their essential properties or their inessential properties. So even if we avoid the danger of incoherence, the lottery of constitutions idea cannot explain such unrestricted judgements about constitutive luck.

7. Luck in lotteries and chance.

I now want to move on to the second way the thick conception of constitutive luck in terms of a lottery of constitutions has misleading implications in relation to thin constitutive luck. This concerns not the role of identity in lotteries but the role of chance. In order to distinguish this from the first problem, I’ll assume for present purposes that the constitutive properties in question are nonessential, so that problems about identity-dependence do not arise.

Ordinary gambles and lotteries are closely associated with alternative possibilities and chance. For example, you have good lottery luck if various different outcomes of the lottery were possible, in one or another sense of “possible”, and by chance you got the most desirable one. Or, when everyone in a lottery had the same chance of winning a prize, and you win it. Chance and possibility here might be understood in different ways. Chance

might be understood to require different physical possibilities and hence indeterminism. Alternatively, it might be understood to require merely different epistemic possibilities and mere unpredictability rather than indeterminism. After all, roulette wheels are deterministic, yet there is a sense in which the outcome of a spin is a matter of chance: for all we know, it could have been anything. Determinism does not entail predictability, even in principle._

A lottery entails alternative possibilities and chance. If this point is applied to the idea of lottery of (nonessential) constitutive properties, there are two possible implications, depending on whether chance is understood metaphysically or epistemically. On the metaphysical understanding of chance, the outcome of the lottery is indeterministic, a matter of chance in a metaphysical sense: my (nonessential) properties could have been different because they result from an indeterministic, chance process. On the epistemic understanding of chance, the outcome of the lottery is unpredictable: for all we know, my (nonessential) properties could have been different.

The idea of a lottery of constitutions thus has implications about chance, understood either in terms of indeterminism or unpredictability. But I'll now argue that thin constitutive luck, or lack of responsibility for one's own properties, does not have such implications. First, lack of responsibility does not entail indeterminism, whether we are considering responsibility for causes or for effects. Second, lack of responsibility for causes does not entail their unpredictability. And though there are links between responsibility for effects and predictability, we still don't get a clean parallel to the implications of lottery luck. So again the idea of a lottery of constitutions is a misleading guide to thin constitutive luck. My conclusion will be that the thick conception of constitutive luck in terms of a lottery of constitutions is multiply misleading and we do better to stick to a thin usage of constitutive luck that simply reflects our judgements about responsibility for constitutions.

8. Chance, indeterminism, and responsibility.

Let's begin with the indeterminism reading of chance. Does thin luck, or lack of responsibility, entail indeterminism? No. If it did, then something's being causally determined would entail that it was not a matter of luck. But that cannot be right!

Some philosophers deny that responsibility is compatible with causal determinism. That is, they take responsibility to entail indeterminism. From the fact that X was fully causally determined and could not have been otherwise, they conclude that the agent is not responsible for X.

But if lack of responsibility entailed indeterminism, then determinism would entail responsibility: precisely the opposite of what these philosophers take it to entail! They would have to be not just wrong, but perversely wrong. Now in fact I think these philosophers are wrong, and that determinism does not entail lack of responsibility. But they are not perversely wrong. We have to work hard to specify the conditions under which

determinism is compatible with responsibility. The mere fact of determinism does not suffice for responsibility. Thus, lack of responsibility, or thin luck, does not entail indeterminism.

It might be thought that lottery luck would be a better guide to responsibility for consequences than to responsibility for causes and constitutions. So let's focus on luck in consequences specifically. Does lack of responsibility for consequences entail indeterminism? If so, then determinism would entail responsibility for consequences. But that doesn't seem right either.

Suppose someone does an act that causally determines certain effects. That by itself doesn't tell us whether the agent is responsible for those effects or not. We need to know more. In some such cases, cases of so-called option luck, a person is responsible for these effects, even if they are unintended. For example, if someone deliberately opts to do an act with uncertain effects and decides not to take out insurance in order to spend the cost of insurance on his favorite hobby instead, he is responsible for whatever the effects turn out to be (within limits, perhaps). But in other cases, a person may not be responsible for the uncertain effects of his act, even if they are causally determined by his act. The situation of his choice may be such that we regard the consequences of his act as a matter of so-called brute luck, for which he is not responsible. Perhaps the agent didn't know something critical about the circumstances of his act, so didn't realize he was taking a gamble at all. Perhaps the effects of his act were not merely unpredictable, but so unlikely that they would not be foreseeable even as possibilities to a reasonable person. Perhaps other agents intervened in the causal chain. Tort law aims, among other things, to sort cases of option luck from cases of brute luck in a principled way.

For present purposes, the relevant point is that determinism does not suffice for responsibility for consequences; this turns on further issues. Thus lack of responsibility for consequences does not entail indeterminism.

Nor, by the way, does the entailment run in the other direction: determinism does not entail lack of responsibility for consequences, as the example of responsibility for so-called option luck shows. In such a case, indeterminism does not protect from responsibility for effects. The label 'option luck' is thus by my lights a misnomer with a potential to confuse, and is incompatible with my proposal to adopt a thin usage of luck.

In this section I've given half of the argument that the implications of lottery luck regarding chance do not hold for thin luck. Lottery luck entails chance, which can be understood metaphysically, to involve indeterminism. But lack of responsibility does not entail chance in this sense, whether we are concerned with responsibility for causes or responsibility for consequences. The causal determination of your constitution does not entail that you are responsible for it. And the causal determination of the consequences of your act does not entail that you are responsible for them either; they may still be a matter of brute luck.

9. Chance, unpredictability, and responsibility.

Next, the other half of the argument: the implications of lottery luck regarding chance can be understood epistemically instead of metaphysically. But these implications don't hold for thin luck either. So again, lottery luck is not a good guide to thin luck or lack of responsibility.

If a lottery can operate by means of a deterministic mechanism, then the outcome is a matter of chance only in the epistemic sense: it is unpredictable. For all we can know, it might be anything, whether or not it is causally determined. Does this reading of the idea of a lottery of constitutions help to understand our responsibility for our constitutions, or thin constitutive luck? Does thin constitutive luck, or lack of responsibility for my constitution, entail its unpredictability? No.

Suppose a woman is exposed to a certain chemical when she is pregnant. It may be predictable that she would be exposed to this chemical when pregnant, and it may be predictable that if she was, the chemical would induce a certain defect in the resulting child, a defect that only begins to have its harmful effects when the child reaches adulthood. The adult in question can thus predict these harmful effects. This defect is nevertheless bad constitutive luck for that person: he is not responsible for this aspect of his constitution. This judgement is in no way undermined by the predictability of the defect.

Turning next to responsibility for effects, we can consider whether lack of responsibility for the effects of an act entails their unpredictability by the agent. Here, we still don't get a clean parallel between the implications of lottery luck and of thin luck. Admittedly, the predictability of the effects of an act by the agent does seem at least to be relevant to the agent's responsibility for such effects. Whether someone is responsible for the results of a gamble he chooses to take depends on, among other things, whether the various possible outcomes of the gamble were predictable: whether they should have been foreseen, or would have been foreseen by a reasonable person. However, tort law raises issues about whether mere predictability is sufficient for responsibility for effects, in the absence of actual foresight or other conditions. While the predictability of the effects of an act by the agent at least cuts in favor of the agent's responsibility for them, the implication seems more secure in the other direction: the unpredictability of effects argues against the agent's responsibility for them more strongly than the agent's lack of responsibility argues for their unpredictability. Predictability may be necessary though not sufficient for responsibility for consequences.

Moreover, even to the extent lottery luck does have implications about predictability that hold also for thin luck in effects, they still do not hold for thin luck in causes, or constitutive luck, as already argued. The implications of lottery luck concerning predictability does not generalize from luck in effects to luck in causes, or constitutive luck.

10. Concluding remarks.

I conclude that the thick conception of constitutive luck expressed by the idea of a lottery of constitutions is unhelpful, and even positively misleading, in relation to our responsibility for our constitutions. The implications of lottery luck concerning the identity-dependence of luck do not combine coherently with the strong sense of “constitution”. Moreover, lottery luck and thin constitutive luck come apart in their implications concerning chance, whether understood in terms of indeterminism or unpredictability. We do best to avoid the confusing metaphor of a lottery of constitutions and adopt instead the thin usage of constitutive luck. On this proposal, to say that someone’s constitution is a matter of luck is just to say that she is not responsible for it. The grounds for such a claim are whatever the grounds are for judging that people are not responsible for something.

This recommendation can leave it seeming rather puzzling that it is so natural to use the same word, “luck”, in such different ways. If lottery luck is not the clean inverse correlate of responsibility, why is it so common to use “luck” both for lottery luck and for lack of responsibility?

To venture a diagnosis: Perhaps we uncritically and mistakenly generalize from the limited link between unpredictability and responsibility for effects to a link between lottery luck and responsibility in general, including responsibility for causes. Moreover, both control and choice loom large as conditions of responsibility, and lottery luck is not under control and not chosen. So lottery luck and responsibility do have some inverse commitments, at least in relation to predictability, control and choice. Perhaps our pretheoretical understanding of luck simply does not register the distinction between luck in effects and luck in causes, or that control and choice (along with other pairs of conditions for responsibility) are doubly dissociable.

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_ More detailed discussion of these points will be found in my *Justice, Luck, and Knowledge* (forthcoming).

_ It is a further issue whether something is a matter of luck for you, or you are responsible for it, only under certain descriptions of it. My argument here is not, as far as I can see, hostage to this issue.

_ A minor qualification is this: we normally only speak of something being a matter of luck, good or bad, for someone, if it is relevant to their interests in some way. I am not

responsible for how long it takes Pluto to orbit the sun, but that is not a matter of luck for me one way or the other if it in no way bears on my interests or concerns. So the concept of luck implies not just lack of responsibility but lack of responsibility in relation to something that affects the interests or concerns of the person in question. I will take this qualification as read in what follows. Note also that in my usage here, thin luck is thin in relation to responsibility. In an alternative usage, however, it might be thin in relation to something else, such as desert.

_ John Roemer's conception of responsibility is also a control conception, and sometimes appears to be a regressive control conception. See e.g. 1996.

_ See Parfit 1984, part 4, on the non-identity problem.

_ We might also say, in this limiting sense: if someone's life is well worth living, then there is a manner of speaking in which existence might be said to benefit her; but it does not follow that non-existence would harm her.

_ Must agency be an attribute of the identity in question? Must a lottery be chosen, or can it be thrust upon one? Either way, luck is identity-dependent.

_ Is death bad luck? Perhaps this is a limiting case. But dying is either something someone does or something that happens to her. Not existing is neither.

_ Cf. Rawls 1982; Honore 1988, 549. The fact that I can imagine being someone else through imaginative role-playing does not show that I can conceive as a logical possibility that I might have been someone else; see Williams 1973, "Imagination and the Self", 45.

_ As the study of non-linear dynamic systems has made clear.