

In Control

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Abstract: In George Sher's recent article "Out of Control", he discusses a series of 9 cases that he believes illustrates that some agents are uncontroversially morally responsible for actions they "cannot help" but perform (2006: 285). He argues these agents exert partial control over these actions insofar as their actions are determined from their character; but this is no control at all. Here I argue that in each of these cases the agent exerts morally relevant control over her actions and that none of these are genuine instances of moral luck, nor counterexamples to the control principle.

Keywords: ethics; free will; moral responsibility.

Nearly all discussion in the free will debate centers around the control principle (CP). According to this principle, one is morally responsible for her actions only when she is in control of those actions. Compatibilists and incompatibilists disagree about what kind of control CP requires, and whether that control is compatible with determinism or indeterminism. The general consensus, though, is that the principle is true. In George Sher's recent article "Out of Control", he challenges this notion. Sher constructs 9 cases that he believes demonstrate that moral agents can be morally responsible for something that is uncontroversially outside of their control. If successful, Sher will have demonstrated the falsity of CP. I argue Sher fails, and that in each of these cases the agent exerts morally relevant control over those actions she is morally responsible for.

1. *Introduction*

There is a large body of work concerning purported counterexamples to the control principle, generally framed as the problem of moral luck.¹ In "Moral

¹ For notable work on in the field, see: Nagel 1976; Williams 1981; Zimmerman 2002 and 2006.

Luck”, Thomas Nagel discusses cases where moral agents are said to be morally responsible for things outside of their control – instances of *moral luck* – and distinguishes between four kinds of luck: (1) *resultant luck* – luck in the results of one’s actions, (2) *circumstantial luck* – luck in the circumstances one faces, (3) *constitutive luck* – luck in one’s character traits and genetic makeup, and (4) *causal luck*, or luck in how our actions are caused. Nagel identifies the problem of moral causal luck as the problem of free will. These last three kinds of luck are often grouped together as cases of *situational luck*, or luck in the situation one finds oneself in. Any *prima facie* instance of moral resultant or situational luck is a *prima facie* counterexample to CP.

Although Sher contends his enterprise is distinct from Nagel’s in that he discusses particular instances where agents lack control, Nagel’s cases are best understood as purported examples of moral luck. Like most, I believe the control principle is true. If the control principle is true, then there can be no genuine instances of moral luck – this is to say that in any situation where a moral agent appears to be morally responsible for something outside of their control, either they are morally responsible for something else that is in their control, or they aren’t morally responsible. In each of Sher’s cases, the agents are clearly morally responsible for something that I argue is well within their control.

Before examining Sher’s cases in the next section, it will be useful to make some terminological distinctions. First, I approach each of these cases with a commonsense account of *moral responsibility* – an *incompatibilist* account. Outside of offering a defense of the control principle, I do not wish to take a stance on the compatibilist-incompatibilist debate over free will. However, many of our commonsense notions of moral responsibility are incompatibilist notions consistent with an account of moral responsibility where to be *morally responsible* for something is to be the appropriate object of praise or blame in virtue of one’s free, authorial relationship to that thing. By *free*, I mean, roughly, an action that is uncoerced and undetermined; by *authorial* I mean, roughly, deliberate, intentional, and approved. On this account, moral agents are non-arbitrary first causes of their free actions. If this is the case, it makes sense to trace the goodness or badness of their actions back to them, *qua* agents, rather than further back along the causal chain in an infinite regress. Galen Strawson calls this *true moral responsibility*, and in “The Impossibility of Moral Responsibility”, contends that when one is truly morally responsible for something, it “*makes sense*” for one to be rewarded in heaven or punished in hell for that something (Strawson 1994). Strawson’s point isn’t religious; rather it is that there is something fundamentally wrongheaded with heaping praise or blame on things that don’t exert this kind of control over their actions; to berate and torture a lemon of an automobile in hell for all of eternity would be absurd

where as to berate and torture, say, someone who freely and knowingly murdered several innocent people for fun would not be.

Notably, Strawson contends that compatibilist and incompatibilist alike cannot help but believe they possess this awesome, authorial control over their actions when making those choices they believe are free, even if those same dedicated compatibilists might be able to later review their actions and come to the conclusion that they were invariably wholly causally determined by external factors outside of their control to chose as they did.

Strawson believes that this kind of authorial control, and the moral responsibility that follows from it, is impossible. To take this stance, I think, is to engage in radical skepticism about our moral beliefs, and to throw out so many of our moral intuitions and beliefs that any serious moral inquiry is left unrecognizable. Compatibilist accounts of moral responsibility are something far different from our commonsense accounts; the difference between gold and iron pyrite.

To illustrate this, contrast our intuitions about the appropriateness of true moral responsibility with that of what I call *practical responsibility*, where to be practically responsible for something is to be such that it is practical for others to treat one in the same way they would if one was morally responsible for that something. For example, we might imprison or exile someone for threatening to harm others of their own volition; similarly we might imprison or exile a plague victim for fear that she could harm others. While exiling or imprisoning both of them is practical, it's not clear that a plague victim deserves to be treated in this manner.

Robert Merrihew Adam, in "Involuntary Sins", argues moral agents can be morally responsible for vicious actions that are completely causally determined by vicious character traits, which in turn they could be entirely causally determined to have (Adam 1985). This account of moral responsibility is far closer to practical responsibility than Galen Strawson's true moral responsibility, and is inconsistent with our commonsense moral beliefs. Consider the following case:

Francine was grown in a vat by scientists, and kept unconscious until she was fully physically developed. Scientists then artificially implant vicious character traits into her mind – traits that, in some situations, wholly causally determine her to act in a *prima facie* vicious manner. Scientists release Francine into the world, and she encounters such a situation, and her character traits cause her to act viciously.

According to Adams, Francine is blameworthy for her action despite the fact that it was wholly causally determined by something that is outside of her control, her character and the circumstances she faces. To use Nagel's term-

nology, Adams believes this is a case of situational moral luck. I contend that it is rather absurd to hold Francine morally culpable in such a situation. Contrast this case with the following:

Janine₁ is a well known and respected medical doctor, and has published several papers regarding how addictive smoking is. Her work was recently collected and published as a well reviewed book on the subject, and she attends several parties to promote her book. At once such party, she is offered a cigarette, but rather than politely decline, she freely chooses to smoke. After several similar situations, Janine₁ awakens with a strong nicotine craving, and runs to the store to buy cigarettes.

While Francine is intuitively not morally responsible for her character, it makes sense to say that Janine₁ is morally responsible for her addiction. But surely this is only the case because Janine₁ freely engaged in behavior she believed would likely bring about her addiction. Suppose Janine₂ is kidnapped and forced to smoke against her will, which causes her to become addicted. Although both Janine₁ and Janine₂ are addicted, surely it would be absurd to say that Janine₂ is morally responsible for her addiction. Now suppose Janine₃ acts in the same manner as Janine₁, but her body never becomes addicted. Surely Janine₃ is as morally responsible as Janine₁; they made the same free choices with the same expectations; but it wouldn't make sense to say that Janine₃ is morally responsible for her addiction because she's not addicted!

To the extent that Janine₁ and Janine₃ are equally morally responsible, it makes sense to say that they are morally responsible for the same things. Janine₃ is truly morally responsible for acting in a manner in which she believes would have harmful consequences; as is Janine₁. But it also makes sense to say that Janine₁ is responsible for something else – she's also responsible for her addiction. In “Taking Luck Seriously”, Michael Zimmerman offers a possible explanation; he contends that Janine₁ and Janine₃ are morally responsible to the same degree, but that they each have a different scope – Janine₁ is morally responsible for *more things* than Janine₃ – she is responsible for her free choices *and* their results; while Janine₃ is only morally responsible for her free choices. The problem with Zimmerman's analysis is that Janine's purported moral responsibility for her addiction contributes to her degree of blameworthiness in the same manner as Janine₂'s – not at all. To say that Janine₁ is morally blameworthy for her addiction is empty.

An alternate explanation for Janine₁'s purported blameworthiness for her addiction is that she is only *derivatively morally responsible* for it, where to be derivatively morally responsible for something *y* is to be *truly morally responsible* for something *x*, where *x* is connected to *y* in an appropriate way. It makes sense to say that Janine₁ is (derivatively) morally responsible for her addiction

because she is truly morally responsible for her free choice to smoke, which she had good reason to believe would bring about an undesirable addiction. This is the same thing that Janine₃ is morally responsible for. Whether or not Janine₁ ultimately became addicted is outside of her control, a matter of resultant luck. However, on this analysis, this luck is not genuine moral luck. What this view lacks in superficial compatibility with our commonsense linguistic practices, it more than makes up for in terms of consistency with our conception of moral responsibility as concerning praise and blame, not to mention consistency with the control principle and how we actually judge persons.²

2. *Nine Cases*

Sher constructs 9 cases in which he believes agents are uncontroversially morally responsible for actions they “cannot help” but perform (285). He categorizes them into three groups of three: (1-3) lapses of attention, (4-6) bad judgment, and (7-9) moral ignorance. Sher contends that what these agents are morally responsible for is outside of their control; however here I contend that what these agents are truly morally responsible for is well within their control.

2.1 Case Group (1-3) – Lapses of Attention

In each of these cases, Sher believes the agent is morally blameworthy for their lapse of attention, despite lacking control over it. While it strikes me that we probably exert some relevant control over our attention, and lapses in it, I contend that the wrong-making feature of each of these cases has nothing to do with a lapse in attention.

1. *Hot Dog* – Alessandra, with her dog Bathsheba in the back of her van, leaves to pick up her children from school as usual. In the past, the pickup has never taken long, and Alessandra leaves the dog in the van. While picking up her children, Alessandra is distracted by a school matter for several hours, and forgets the dog. When her family returns to the car, the dog is unconscious from heat prostration.
2. *On the Rocks* – Ferry pilot Julian is 40 minutes into a trip he is very familiar with, and knows to look out for submerged rocks. “However, just because the trip is so routine, Julian’s thoughts have wandered to the previous evening’s pleasant

² If we were to learn that Janine did not actually expect to become addicted, perhaps because she had trustworthy evidence that the link between smoking and addiction was a vast conspiracy, surely we would revise our moral intuitions about her blameworthiness for her own addiction... although we might raise concerns about whether she was justified in holding such a bizarre position. For another example of how we revise our judgments in light of unexpected, but morally relevant manners; see Simkulet 2012.

romantic encounter. Too late, he realizes that he no longer has time to maneuver the ferry” (297).

3. *Caught off Guard* – Soldier Wren is on guard duty in a dangerous combat zone. However, the night has been relatively uneventful up until this point, and she has caught herself falling asleep *twice*, but managed to shake herself awake. She falls asleep, leaving the compound unguarded (296-297).

Sher contends that in each of these cases, the agents are morally responsible for their lapses of attention, but contends that their lapses of attention were not in their control because they were not freely chosen.

At first glance, each of these cases might look like an instance of resultant moral luck, or luck in the consequences of their actions; Alessandra for her dog’s sickness, Julian for the crashed ferry, and Wren for leaving the base unguarded. But surely this is not the case; to illustrate this consider the following case:

- 1a. *Unattended Infant* – Alessandra, with her infant daughter Bathsheba₂ in the back of her van, leaves to pick up her other children from school as usual. In the past, the pickup has never taken long, and, as usual, Alessandra leaves her infant daughter unattended in the van. While picking up her children, Alessandra is distracted by a school matter for several hours, and forgets about her daughter.

Independent of whatever happens to Bathsheba₂, and how long Alessandra spends in the school, Alessandra’s choice to leave her infant daughter unattended in her van for any length of time is *prima facie* morally appalling! What’s worse, this is business as usual for Alessandra! Now, to be fair, we could construct a state of affairs to precede this case such that Alessandra would be entirely morally blameless for making such a free choice; she could be genuinely, almost unbelievably ignorant about the dangers of leaving infants unattended in hot, enclosed spaces, let alone about the dangers of people who might want to kidnap such infants. Where she so ignorant, I contend Alessandra would be *prima facie* morally blameless, although she would still be a rather unfit mother.

Let us suppose, though, that Alessandra is not so unbelievably ignorant. Let us stipulate that she is well aware of the dangers of leaving her infant daughter in the van, the risk she is taking of kidnapping and bodily harm to Bathsheba₂, so forth and so on. Furthermore, let us stipulate that she is not mentally ill, psychologically traumatized, nor does she have any other impairments that might lead us to excuse her behavior in virtue of her incompetence or incompleteness as a moral agent. For the sake of brevity, let us make these stipulations with regards to the rest of Sher’s 9 cases as well – Sher’s agents are neither atypically ignorant, nor are they incompetent.

When Alessandra freely chooses to leave her daughter unattended on multiple occasions, she can be understood as expressly consenting to the unnecessary risk to her daughter's safety and health. While there may be situations where such risk is worth taking, I'm at a loss to see what benefit this would bring in this case other than Alessandra's convenience. This strikes me as an indefensible choice the first time she makes it, and an indefensible choice to keep making (although, arguably, after each uneventful risk, Alessandra is given a small bit of data that suggests it is less risky).

The morally abhorrent aspect of *Unattended Infant* is, I think, comparable to the morally abhorrent aspect of *Hot Dog*. This is not to say that infants and dogs are morally comparable, but what Alessandra consents to in regards the risks to Bathsheba is comparable to the risks she consents to in regards to Bathsheba₂ – risks to health and safety. Admittedly, an unhealthy dog is not as big a risk as an unhealthy child, but unless one takes the view that animals are not morally relevant, the risks Alessandra takes in *Hot Dog* are still morally relevant and morally abhorrent. I think it is obvious that what Alessandra is truly morally responsible for in this case is taking these risks which could be easily avoided (by, say, leaving the dog at home).

Sher contends that Alessandra is morally culpable for the consequences of her forgetting that she brought her dog with her. While things might have turned out better had she not forgotten, this doesn't matter for the analysis of the risk she freely and knowingly consents to. What is *prima facie* morally abhorrent about these cases is that Alessandra consents to leave her dog and/or infant alone in the car *at all* given her beliefs about the strong possibility of harm she is risking. That she thought she would risk only a few minutes, rather than several hours, is irrelevant to the question of the scope of her responsibility. Alessandra might be supplementarily morally blameworthy for failing to take the psychological steps to remember that she left her dog in peril, but this blameworthiness is relatively minor when compared to her blameworthiness for risking her dog's health and safety in the first place.

Similarly, it strikes me that if Julian is appropriately concerned about the risk posed by the rocks, and competently aware of the likeliness with which he might become distracted, he has a strong moral obligation to take precautions – to set a timer, alarm clock, or just pay someone to walk up to him and slap him in the face forty minutes in. As with Alessandra, if we attribute nearly unbelievable, atypical beliefs to Julian, we might come to the conclusion he is entirely morally blameless; if Julian is genuinely ignorant about the extent to which a romantic encounter might distract him, he might not have known that he needed to take precautions, and would be *prima facie* morally blameless in such a bizarre case.

Let us stipulate that Wren is competent, and has been trained in methods to prevent herself from falling asleep in situations like the one she faces. She apparently freely chooses to ignore her training, and risks leaving the base unguarded. It is this free choice that is morally abhorrent. If her falling asleep was genuinely outside of her control, such as the result of extreme exhaustion on the job or a psychological disorder she had previously shared with her commanding officer, or if she genuinely tried every method she knew to stay awake to stave off her *third* departure into dreamland to no effect, Wren would be blameless. But this, again, is a radical departure from the case we're given.

2.2 Case Group (4-6) – Bad Judgment

In each of these cases, Sher believes the agent act in a blameworthy manner because they “exercise poor judgment” (288). Each of these cases is also an apparent case of moral resultant luck.

4. *Home for the Holidays* – Joliet, home alone and desperately afraid of burglars, hears a sound in the kitchen below. She grabs her gun, sneaks downstairs, and shoots the intruder... her son, home early for the holidays.
5. *Colicky Baby* – Scout, 23 years old, is watching her sister's baby, who has been crying for hours. She has tried everything she can think of to ease its discomfort, but nothing has worked. Finally, she mixes vodka with the child's fruit juice, and feeds it to her. The baby is rushed to the hospital with alcohol poisoning.
6. *Jackknife* – Father Poteet is a “good driver”, and attempts to enter a busy free-way. Competing with an eighteen-wheeler on the highway for the low-lane, Poteet chooses to speed ahead, rather than stop abruptly, but doesn't give the trucker enough room; causing his truck to jackknife and seriously hurt many people (288).

Sher's second set is a mixed bag; he contends that none of the agents has “chosen to do anything that he thinks is wrong or to harm any innocent person” (288). On the assumption these agents are competent and has the faintest glimmer of commonsense, surely this is not the case! Both Scout and Father Poteet willfully engage in activities they are thus stipulated to know risk harm to innocent people.

Sher contends that “Scout should have tried to find out whether babies can tolerate alcohol” (293). This strikes me as a bizarre claim to make. Let us stipulate that Scout is neither atypically ignorant of the effects of alcohol on infants, nor atypically ignorant of the general frailty of infants. If both of these are true, it is unconceivable that Scout could act as she did without knowing that she is risking the baby's health and life. Perhaps Sher conceived of Scout as a person who got her limited child-rearing skills from bad situation comedies, but this makes Scout out to be so ignorant and incompetent as to suggest that she is entirely morally blameless for her actions! However, we're told Scout is 23, so I suspect

we're supposed to think that Scout has at least the same familiarity with alcohol as any high school or college student. To the extent that Scout is trusted to watch her sister's child, we're also left to assume that she is at least superficially aware of the frailty of children. Given both of these assumptions, Scout's choice to give alcohol to her sister's baby is expressly consenting to an unreasonable risk for the personal gain of stopping the child from crying. *Prima facie* morally abhorrent.

We're told Poteet is a good driver; he is not. Driving is dangerous, and one should err on the side of caution. Let us stipulate that Poteet has not experienced an atypical brain event, or the extreme degradation of his senses or mental faculties, and stipulate that Poteet has at least the kind of knowledge one gets from driver's education. He knows that eighteen-wheelers are particularly dangerous vehicles, and that it is best to be extra cautious around them.

Sher would have us believe that Poteet misjudged whether he had room to merge, and that he is morally responsible for the accident as a result. The problem with this view is that we've stipulated that Poteet is aware that the situation dictates caution. Poteet knows to give eighteen-wheelers substantial leeway; sufficient leeway such that if Poteet made a foreseeable error in judging the distance he had available, the error would have been insufficient to cause an accident. By stipulation, Poteet's senses and judgment are working such that had he given the truck what he believed was an appropriate amount of leeway, there would have been no accident. While Sher contends the accident can be traced to Poteet's error in judging distance, I contend that it is properly traced back to Poteet's free willingness to take an unacceptable risk. Poteet knew to give eighteen-wheelers a wide margin, yet freely gave the eighteen-wheeler a much less comfortable margin of error. As luck has it, he then erred. Poteet willfully risked the lives of others for what? To get on the highway faster?

Suppose Poteet's error in judgment was atypical; that he genuinely believed that he gave the eighteen-wheeler a sufficient room, and he ended up being wrong. In such a case, it would be inappropriate to hold Poteet morally responsible for the accident, to the extent that his error in judgment was caused by an atypical and unexpected brain event, or a massive failure of his senses or spatial judgment. The difference between this case and Sher's is in this case, Poteet is not negligent. If we stipulate Poteet is competent, that his spatial reasoning is reliable, and that he knows to give eighteen-wheelers substantial leeway, his negligence in Sher's case is clear.

The oddest case of this bunch is *Home for the Holidays*, where Sher contends that Joliet should have investigated further before shooting the person who let themselves into her home without her permission, and that she is blameworthy as a result. This is absurd! Joliet shooting her son is a tragedy, but we don't have any indication that Joliet was unfairly panicked, or irratio-

nally afraid. Sher clearly intends the reader to interpret Joliet as genuinely believing she was shooting a burglar.

For the purposes of this case, assume that it is morally acceptable to shoot intruders. In the Second Treatise, John Locke argued that it is morally acceptable to kill thieves because if they demonstrate their willingness to violate your property right, you have no reason to suppose they wouldn't take away your liberty or your life as well.³ Joliet's safety and continued wellbeing depends upon her shooting any burglars before they have the opportunity to notice her and take her life first, and as such the action of shooting what one believes to be a burglar is *prima facie* morally acceptable.

What is bizarre about this case is not Joliet's actions, but her son's. Let us assume Joliet's son is reasonably familiar with his mother's character, such that he knows she is afraid of burglars and has been known to chase down noises with a shotgun in the middle of the night. By entering the house without warning, Joliet's son has risked his own life; the outcome of him being shot by his mother is a foreseeable, and by stipulation foreseen, consequence of his actions, yet he (apparently) freely chooses this course of action anyways! This is *prima facie* morally blameworthy behavior because it can lead to the sorts of consequences that it actually lead to!

Consider the following case:

- 4a. *The Burglar* – Joliet, home alone and desperately afraid of burglars, hears a sound in the kitchen below. She grabs her gun, sneaks downstairs, and spots an intruder. It is the middle of the summer and she has no relatives expected for a visit, but Joliet has heard tales of people accidentally shooting loved ones. In fact, her Christmas card each year includes a passionate plea that carolers and people who visit call ahead of time so that she can be sure not to shoot them by accident. Still, weary of such mistakes, Joliet lurks in the shadows for a few moments until she is sure the intruder is a burglar; but the burglar is armed and has spotted her!

In this case, Joliet acts as Sher believes she should have, cautiously, and as a result risks her life. Joliet hasn't rushed to judgment, or exercised poor judgment; she is a victim here. Despite the bad consequences, Joliet is *prima facie* praiseworthy for her actions – she took all necessary and reasonable steps to protect her life.

³ John Locke, *Two Treatises of Government*, edited by Peter Laslett (Cambridge, 1960), Book II, Chapter Three, Section 18.

2.3 (7-9) Moral Ignorance

In the next three cases Sher contends the agents in question freely perform actions which are, in fact, wrong, but are ignorant of their wrongness because they lack “some form of moral insight or imagination” (290). In each of these cases, Sher believes the agent is morally culpable for the bad results of their actions; Sher would apparently classify these as moral resultant luck despite the wrong-making characteristic of the actions being the direct result of a character flaw, what would otherwise be characterized as constitutive luck.

7. *Bad Joke* – Ryland is self-absorbed and oblivious to the effect of her actions on others. She tells a joke belittling a childless couple, a handicapped person, and a financial failure to an audience that includes a childless couple, a handicapped person, and a financial failure. The audience disapproves, and Ryland notices.
8. *Bad Policy* – When Sylvain’s students request extra-credit, he puts himself in their position and often concludes extra credit is justified and approves it, but he forgets to make the same offer of extra credit to his class as a whole, leading to inconsistent and unfair grading.
9. *Bad Weather* – It is 1968 and Adam has engaged in a reflective equilibrium about his moral beliefs, and has come to the conclusion that capitalism is extremely morally unjust, and that the best means to combat capitalism is to begin a revolution. Adam participates in a bank robbery with his revolutionaries in which a bank guard is killed.

Sher believes that each of the agents in these cases is morally culpable for the results that emerge from some deficiency in their moral reasoning. However, in most of these cases Sher depicts the agents as almost unbelievably ignorant; ignorance that would under normal circumstances absolve them of moral blameworthiness.

Sher seems to think it is appropriate to blame Ryland for hurting the feelings of others with her joke, but surely this is the least of our concerns in this case. Ryland’s choices are without malice, a result of her having *prima facie* vicious character traits. Either Ryland came to have these traits in a manner in which was in her control, or one that was outside of her control. If the latter, she is like Francine and blameless. If the former, either she knew her actions would bring about undesirable consequences, like Janine, and is blameworthy; or she was ignorant of the fact that her actions would bring about undesirable consequences, and intuitively blameless.

What riles us up about Ryland is that it is rather hard to imagine that one can come to be so self-absorbed without freely and expressly committing oneself to the position that one is morally superior to others, a belief that is not supported by the facts.

This case is meant to show that Ryland has evidence that she is out of touch, but Sher contends that she is bewildered by the audience response, suggesting that she genuinely doesn't know what she did wrong. It makes sense to say that Ryland might be morally obligated, in response to her critics, to find out what they believe she has done wrong, and try to change her behavior in the future, but it strikes me as incoherent to say that she is blameworthy simply for her ignorance, unless it is willful ignorance. Of course we're inclined to say that she should know better. But this just is to say that in the past Ryland had appropriate opportunity and motivation to come to know what the right thing to do in this situation was, and freely, negligently, and blameworthily chose to do otherwise.

Sylvain's case is similarly bizarre. Sher contends Sylvain is missing moral knowledge; however, surely what Sylvain is morally responsible for is either giving extra credit when it is unjustified, or for unfairly distributing justified extra credit, the latter of which is the result of his repeated forgetfulness on the matter.

For the purposes of this discussion, let extra-credit be any credit that contributes to a student's grade outside of the original syllabus. The commonsense justification of extra-credit is that the existing grade-scale is insufficient to adequately judge a student's progress in a course. In such cases, giving extra-credit is a means of pursuing fairness.

Suppose a student approaches Sylvain and asks for extra-credit, and gives a persuasive argument why Sylvain's grade apparatus is insufficient to accurately judge a student's progress. Sylvain then constructs an extra-credit assignment and gives it to that student. I've previously stipulated the competence of the agents in Sher's cases, so in light of this stipulation, Sylvain *knows* he ought to inform the class of the extra-credit assignment. Sher contends that the reason Sylvain doesn't do so is that he is forgetful, but this ignores a deeper problem – Sylvain apparently freely consented to give the student who brought the issue to his attention more time to complete the assignment than the rest of the class. There are two *prima facie* morally wrong events that occur here, first, Sylvain freely chooses to give one student an unfair advantage on extra-credit, and second, Sylvain has come to the conclusion that he ought to offer extra-credit to his entire class, and fails to do so because he forgets and keeps on forgetting! If Sylvain is aware of his chronic forgetfulness, surely he has methods of reminding himself what to talk about in class – for example, lecture notes. In light of this, Sylvain apparently freely chooses to give students unfair advantages, and additionally freely chooses not to bother reminding himself to give the opportunity to each of his students; both of which are *prima facie* morally blameworthy.

Sher, too, offers two accounts of Sylvain's wrongdoing in this case; first that "Sylvain is too focused on the individual before him to realize that he is being unfair to others" and second "Sylvain should have reflected before agreeing to allow his student to earn extra credit" (290, 293). Regarding the first, if Sher means to stipulate that Sylvain has a mental deficiency that prevents him from realizing there are other students in his course whom he has to treat fairly when dealing with students one on one, this doesn't suggest that Sylvain is morally blameworthy, only that he is poorly equipped to be a teacher. Sher's second claim is more substantial, but I think inconsistent with the case; Sylvain might be too sympathetic to his students, such that he is easily persuaded by arguments he ought not be convinced by, but his decision to give extra credit is based on his belief at the time that his syllabus is inadequate. It is fair to question whether Sylvain's conclusion is justified, but instead Sher contends that Sylvain just doesn't bother to deliberate on the issue, which is directly contradicted by the case.

It's hard to interpret Sher's final case as anything but an intuition pump. Adam freely chooses to engage in a violent revolution to unseat what he sees as a great evil, yet Sher seems to focus on the fact that the first step in this bloody conflict results in an unintentional death of a bank guard! Whether Adam is *prima facie* praiseworthy or blameworthy, I think, stands or falls on whether or not his conclusion that capitalism is a great evil worthy of revolution is morally justified. Consider this case:

9a. *Nazis!* – It is 1939 and Adam₂ has engaged in a reflective equilibrium about his moral beliefs, and has come to the conclusion that the fascist Nazi government in his home country of Germany is extremely morally unjust, and that the best means to combat it is to begin a revolution. Adam₂ participates in a raid against a government run military institution in which a guard is killed.

Although we might be quick to jump to the conclusion that Adam is morally blameworthy, it strikes me we would be equally quick to jump to the conclusion that Adam₂ is morally praiseworthy. The explanation for why we believe the latter is praiseworthy, and the former blameless is that we agree with their conclusions! Whether these agents are morally justified in their actions stands or falls on whether their moral deliberation was justified or not. If we stipulate that to the best of his knowledge, Adam₂ had no reason to conclude that Nazi Germany was corrupt, but came to this conclusion through selfishness, willful inattention to detail, or negligence in his moral calculations, surely Adam₂ would be blameworthy; similarly if Adam's choice in *Bad Weather* is the result of morally corrupt or negligent reflective equilibrium, he is blameworthy for that.

Sher contends that Adam is morally culpable for his "defective judging" that occurs during his reflective equilibrium, and that he has a character that is "in

some respect worse than normal” (291, 298). It’s not clear what about Adam’s judgment or character Sher finds defective – he disagrees with Adam about whether and how bad capitalism is, or he disagrees that violent revolution is the appropriate reaction, or both. Sher takes it for granted that we disagree with Adam’s conclusion, and leaves it at that. Rather than point to some faulty aspect of Adam’s judgment or character, Sher simply states, but does not stipulate, that Adam’s judgment on the matter is impaired and character is faulty. Aside from disagreeing with his conclusions though, Sher gives us no reason to think this!

It is far outside the scope of either this or Sher’s paper whether capitalism is a morally acceptable system and whether violent revolution is an acceptable response to it if it were not. However, it is, I think, worth offering a plausible set of beliefs that could lead Adam to come to such a conclusion. Suppose Adam is a strong Lockean. Earlier, when discussing whether Joliet exhibited the appropriate caution in *Home for the Holidays*, I offered a Lockean justification for killing in self defense. Locke argues that we have a moral obligation to protect humanity and to punish wrongdoers, an obligation we largely charge the state with enforcing. If the state fails, though, this obligation is said to revert to us. The private ownership of goods means that private owners are legally justified in withholding access to said goods, even if doing so is expected to lead to the suffering and death of innocent human beings. Suppose Adam was confronted with many situations like this, where opportunists with a local monopoly on life-saving food and medicine took advantage of a natural disaster to gouge sick and hungry citizens, and often refused to sell goods to victims with a lack of funds, letting them die despite the fact they had a *prima facie* moral obligation to protect them. Furthermore, suppose Adam tried to get government to step in, and got nowhere. Even in 1968, laws allowed corporations to have substantial political influence; problematic as corporations are understood to have a moral obligation to pursue what’s in the financial interest of its shareholders, not the best interest of the citizenry as a whole. In light of his experiences and moral commitments, it strikes me that Adam might very well come to the moral revelation that the existing government is shirking it’s moral responsibility, that capitalists are negligent in their moral obligations, and that he, Adam, has a *prima facie* moral obligation to act as he did.

We might just as easily explain Adam’s conclusion as resulting from morally negligent reflective equilibrium. Perhaps Eve is a member of a terrorist organization determined to overthrow capitalism, and Adam is particularly interested in Eve. Rather than engage in a serious and heartfelt reflective equilibrium, he glares deeply in Eve’s eyes as she explains her position, and lovestruckly replies “I completely agree”. In this case, surely Adam acts negligently, and thus would be morally culpable.

Now, it would be absurd to suggest that it would be inappropriate to *judge* Adam blameworthy in this case, but whether or not Adam is actually blameworthy depends upon states of affairs that Sher is strangely silent on when constructing the case. Sher is all over the place on what he contends Adam is blameworthy for – faulty judgment, vicious character; Sher even says that Adam “sounds like he has lost his moral compass” (291, 298, 294). However, I’ve argued that Adam is genuinely blameworthy if and only if he engages in his reflective equilibrium in a negligent manner. In light of the general acceptance of capitalism, we have good reason to believe Adam ought to have come to a different conclusion, and thus have good reason to judge him blameworthy for hypothetical negligence; however if Adam’s reflective equilibrium is not negligent, then he is *prima facie* praiseworthy for his actions.

Sher contends that each of the agents from his cases are uncontroversially morally blameworthy for actions they “cannot help” but perform (285). He says, “The gist of the discussion so far is that agents often seem responsible for wrong acts that they have neither knowingly chosen to perform nor knowingly and wrongfully chosen to risk performing” (295).

Above, I’ve argued that this is not the case, unless one chooses to assume the agents in question are generally incompetent (and if one makes this assumption, they ought to be committed to the proposition that their incompetence absolves them of either praise or blame). In the cases where the agents are blameworthy, they are so because they consent to engage in negligent or risky behavior. Alessandra unduly regularly risks her dog’s safety and all but once she gets lucky and the dog is safe, Julian risks crashing his ferry into rocks because he fails to ensure he is appropriately prepared to deal with his dangerous route, Wren willfully and negligently fails to take the steps necessary to keep herself awake on guard duty, Scout willfully risks her sister’s baby’s life to stop the baby’s crying, Poteet regularly fails to give eighteen-wheelers appropriate leeway on the highway, Ryland ignores the interests and welfare of others, Sylvain repeatedly and unjustly distributes assignments without regard to fairness, and Adam negligently comes to the conclusion that capitalism is not only wrong, but so morally abhorrent that it must be opposed through violent revolution.

All 9 cases share one thing in common, Sher believes they are cases of moral resultant luck; where Sher would hold these agents blameworthy for Alessandra’s dog’s health, Julian’s crash, Wren’s leaving the base unguarded, Scout’s sister’s baby’s poisoning, Poteet’s accident, the feelings Ryland’s joke hurt, Sylvain’s unjust grading, the death of a *prima facie* innocent bank guard in Adam’s robbery, and the death of Joliet’s son. In all but the case of Joliet, it strikes me that these agents are at best derivatively morally blameworthy for the results

Sher finds blameworthy, and genuinely responsible instead for the unnecessary risks and negligence they engage in.

Sher contends that we are unable to locate the wrongness of these agent's actions is choices the agents knowingly engaged in while believing they were wrong (297). Instead he contends that these agents "have exercised control in the sense that the wrongness of their acts and omissions can be traced to sets of beliefs, desires, and so forth, not all of which are conscious but all of which are fully their own". This analysis strikes me as a mistake; surely Alessandra doesn't believe that *this time* she risks her dog's life, that it will have negative consequences, and Poteet doesn't believe that *this time* he attempts to merge without giving the truck a wide berth he'll cause an accident; but if we stipulate these agents are well informed and in control of their faculties, they know there is a notable possibility that their actions will cause such harm and devastation and yet freely ignore this possibility and act anyways. If we stipulate they are fools, the question becomes, then, why they are such fools. I contend that if we trace their foolishness back to something that is outside of their control, they're intuitively not responsible for their actions. Francine is a danger to herself and others, but no more morally responsible for her actions than a plague victim for the risk she poses to the health of the community. Sher seems genuinely indifferent about this intuition, instead contending that in those cases that where an agent acts in a blameworthy fashion despite lacking the belief that their action is blameworthy, they are still blameworthy because their actions are caused by the beliefs and desires that make them the persons that they are (298). In this regard, his view is not so different from Adams view; people who have morally undesirable character traits through no fault of their own are themselves not only morally undesirable, insofar as you don't want to spend time with them, but are actually morally blameworthy, such that it would *make sense* to punish them for an eternity in hell for who they are!

On Sher's view, if scientists programmed Francine to be a mindless killing machine, and executed her the moment she is released from her vat, she is morally responsible because of the beliefs and desires, conscious or not, that make her who she is. If Sher means she that she is truly morally responsible, I suppose we're supposed to think it would be fitting for her to be endlessly tortured in hell for all of eternity for being who she is, alongside that lemon of a car that was *just no good*. This is absurd.

Alternatively, perhaps when Sher discusses "moral responsibility", he means "practical responsibility"; Francine is blameworthy for being who she is in the same way a plague victim is, or a lemon of an automobile is, or an untamed lion, tiger, or bear is. They are "blameworthy" in the sense that they are undesirable; that you just don't want them around. However, unless I'm vastly

ignorant about a whole swath of philosophical literature about how it is practical and in your interest to hang around with plague victim, faulty automobiles, untamed carnivores, and people who are wholly causally determined to do things that they believe are morally right, but have uncontroversially horrible consequences... this is not a matter that is contention. But this is not a matter of moral responsibility, nor is it particularly insightful.

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