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# Moral Obligation, Luck, and Alternative Possibilities

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UNIVERSITY OF CALGARY

Moral Obligation, Luck, and Alternative Possibilities

by

Tess Laurenne Murphy

A THESIS

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## **Abstract**

The way in which luck impacts moral obligation has not been given sufficient philosophical attention. It is the subject of this thesis. I argue that just as there is a control condition that must be met in order for one to be morally responsible, so too there is a control condition that must be met in order for one to perform a morally obligatory action. The requisite control is captured by the principle that “ought” implies “can” (Kant’s Law). Exercising such control requires alternatives—namely that one both can and can refrain from performing any given action. However, through a series of cases, I will show that having such alternatives is often a matter of luck.

## **Acknowledgements**

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## Chapter One: Introduction

On October 3, 2001 Bonita Smith was a passenger in her boss's car. While driving under a pedestrian overpass on Deerfoot Trail in Calgary, Alberta, the vehicle was struck with a 9-kilogram pumpkin. It hit Smith directly in the abdomen and caused serious life-threatening injuries. Four thrill-seeking teenagers were the culprits. Smith required emergency surgery to repair a torn aorta, the largest artery in the body, and to remedy damage caused by internal bleeding.<sup>1</sup>

In Edmonton, Alberta on May 31, 2002 a group of school friends were enjoying an after-grad party for 9th grade graduation. The party of five decided to pull a deadly drunken prank. Two of the teens pushed a 14-kilogram boulder, a rock about the size of a basketball, from an overpass intending to hit an oncoming yellow school bus. The boulder crashed straight through the windshield hitting the driver, 75-year-old Robert Stanley, in the abdomen who was on his way home. The group ran off when they heard a loud bang. None of the friends knew Stanley was hurt. Despite the impact, Stanley managed to turn on the hazard lights and pull the bus over to the side of the freeway. Stanley sat in the bus, dying of abdominal injuries, for more than two hours before a police officer stopped to check the vehicle. The teens made a pact to keep their actions secret. Finally, after three years, the youths were prompted to come forward when they learned that another innocent youth was being charged.<sup>2</sup>

These disheartening cases are mentioned in order to draw out a key feature at issue in accessing responsibility: luck. It is fairly well accepted that moral responsibility

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<sup>1</sup> See Tetley 2001; Poole 2002; MacGillivray 2002.

<sup>2</sup> See Loyie 2002; Audette 2005; Anonymous 2006.

is subject to luck. In the cases of Bonita Smith and Robert Stanley, it was purely a matter of luck that the teens in each case managed to hit the vehicles and cause such exorbitant injury. Real life cases are messy concerning details. For example, some of the teens had been drinking, one of them was the ringleader, some were bystanders and so forth. Now consider the following thought experiment “Pumpkin-Rock” to illustrate the influence of luck on moral responsibility.

Abby and Ali are reckless agents, and on one of their daily adventures they come across a pumpkin patch right next to a rock quarry. The patch and quarry are near a pedestrian bridge which passes over the busiest freeway in the city. Abby decides to push a large pumpkin over the bridge. Ali decides to push a large boulder over the bridge. The pumpkin and boulder are the same size, shape, and weight and will fall at precisely the same rate. Both push their respective objects into heavy oncoming traffic at the same time. Abby’s pumpkin hits the windshield of a car; it crushes and kills the driver. Ali’s boulder hits the pavement, narrowly missing a separate oncoming vehicle. Now, both Abby and Ali performed the same types of action. Each agent decided to push an equally heavy object to the bridge, did push an object to the bridge, decided to push the object over the bridge into oncoming traffic, did push the object over the bridge, and so forth. But it was purely a matter of *luck* that one object hit and killed an innocent driver, while the other did not. Abby is seemingly responsible for the death of the driver, whereas Ali is not responsible for any death. Luck intervened. This sample case illustrates that moral responsibility is luck infused.

This thesis is directed towards a philosophical investigation regarding another sort of moral appraisal: obligation. Whether moral obligation is subject to luck has not been

adequately addressed in the literature, and this work stands as my preliminary attempt to shed light on the influence of luck concerning moral obligation. The plan of the thesis is as follows: Chapter 2 addresses the control condition for moral obligation—Kant’s Law—and its corollary “wrong” implies “can.” I argue for the view that right, wrong, and obligation require alternative possibilities and then address one significant counter-view (the “Asymmetry Argument”) by invoking Frankfurt-type examples. Chapter 3 builds on the framework in the previous section, and includes a more detailed analysis of Frankfurt-type examples and how they show that alternative possibilities are necessary in order for one to perform a morally obligatory action. Lastly, in Chapter 4 I advance a series of cases to further illustrate luck’s impact on moral obligation.

## **1.1 Some Preliminary Definitions and Distinctions**

### ***1.1.1 Free Will and Determinism***

Many philosophers accept that freedom, casual determinism and moral responsibility are related, but the precise details of the relationship are controversial.

Causal determinism is the metaphysical thesis that at any instant, there is exactly one physically possible future (van Inwagen 1983, p. 3). If determinism is true, then all the facts of the past, in conjunction with the laws of nature, entail that there is exactly one pathway into the future. Compatibilism is the view that determinism is compatible with free action and moral responsibility. Incompatibilism is the denial of compatibilism. That is, it is the view that both our having free will and being morally responsible are incompatible with determinism.



Both incompatibilists and compatibilists can be divided into several sub-camps. For instance, libertarians (such as Robert Kane (1996)) concede that determinism is incompatible with free will, but that there are times when some agents are morally responsible for at least some of their free actions. Kane accepts the view that responsibility requires control or free will. He denies that you can have this control if determinism is true.

Yet many others, what we may call “traditional” compatibilists and incompatibilists concerning moral responsibility hold that we cannot be responsible unless we have free will—we must be able to do other than what we in fact do. Very simply, both sides here agree that to be morally responsible, one must have alternatives. There must be more than one fork (so to speak) in the road on our life path into the future, and it must be up to us to choose which fork to follow. The disagreement between these sorts of incompatibilist and compatibilist theorists lies in their conception of alternatives (see below).

Free will is typically defined, very simply, in terms of a particular sort of capacity of rational agents to choose a course of action from among various alternatives. What constitutes this capacity has been the question to which many philosophers have devoted their work.

By free will, I refer to the free will thesis which says that regarding some of our actions, we have both the ability to perform and the ability to refrain from performing them. An incompatibilist regarding free will and determinism, like Van Inwagen (2008a, p. 329), would add that, necessarily, to have free will, although one did something, one could have done otherwise consistent with the past and the laws remaining “fixed.”

Compatibilists about free will do not require such a “strong” ability. Rather, they insist that “could have done otherwise” is to be interpreted in a sense that does not require the fixity of the past or the laws. Ultimately, one might say that our having free will with respect to doing something entails our having the power to refrain from doing what we did (Haji 2012a, p. 4).

### *1.1.2 Alternatives*

It will be helpful to say a bit more about alternatives. Suppose an agent performs some action at a certain time in the actual world. As noted previously, she had a strong alternative to that action if, given the same past right up to or just prior to the time she performed the action, and the same laws of nature, she could have refrained from performing it. Determinism apparently eradicates such strong alternatives—it allows for only one pathway into the future.<sup>3</sup> In contrast, one can have weak alternatives despite determinism’s obtaining. Suppose some agent saves a child from drowning in a pond. Some theorists propose that she had a weak alternative in that she would have refrained from saving the child on the condition that she had not wanted, decided, chosen, or intended to do so. Both strong and weak alternatives can be uniquely tied to a single horn of the free will debate. Incompatibilists, for the most part, require strong alternatives, whereas at least some compatibilists<sup>4</sup> endorse weak ones, though not necessarily the “conditional” variation above.

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<sup>3</sup> For more on the Consequence Argument see e.g. Ginet 1966; van Inwagen 1983, 2008b; Huemer 2000.

<sup>4</sup> Note: semi-compatibilists are compatibilists (like John Martin Fischer) who believe that though determinism is incompatible with freedom to do otherwise, it is not incompatible with responsibility. On their view, responsibility does not require alternatives of any sort.

It seems that both compatibilists and incompatibilists are partial to the view that there is a link between freedom and the truth of responsibility judgements (Haji 2012a, p. 5). Likewise, both camps may also support the notion that the truth of obligation judgements relies on some particular freedom formulation. It is not the case that all compatibilists regarding moral responsibility see an inextricable link between alternatives and moral responsibility. Such theorists do argue that control is required for moral responsibility; it is simply not the sort suggested by traditional compatibilists. Instead of having “two-way” control (Haji 2012a, p. 6; Zimmerman 1987, p. 376) an agent only requires “one-way” control, that is the control exercised does not require that one have access to alternatives (whereas two-way control does require alternatives). I will not commit myself to a position regarding alternatives as strong or weak. I remain neutral on this issue, but will later argue that, necessarily, there is an alternative possibilities requirement for the truth of judgments concerning moral obligation.

### ***1.1.3 Different Kinds of Moral Appraisals***

There are several varieties of moral evaluation. For example, some involve the assessment of agents, others actions, others the character of an agent, and yet others the intrinsic value of lives and worlds. Judgements of moral responsibility concern the praiseworthiness and blameworthiness of agents. As such, they are primarily judgements of agents. Such appraisals ought to be distinguished from the other varieties of moral appraisal which involve the assessments of actions, character, or the intrinsic value of lives and worlds.

Deontic appraisals are fundamentally appraisals of actions. The judgement that it is morally *right* for the bystander to save one hundred children from a burning orphanage, or that it is morally *wrong* for the felon to pull the trigger on innocent hostages, or that it is morally *obligatory* for the friend to pay a visit to her shut-in companion are instances of morally deontic judgements. The primary object of appraisal differs for each type of moral judgement. Deontic judgements primarily evaluate actions, whereas responsibility judgements primarily evaluate agents.

Judgments of responsibility should also be clearly differentiated from aretaic appraisals, that is, judgements concerning the virtues and vices of an agent. The word ‘aretaic’ is derived from the Greek *arete* meaning something like the goodness or virtue of a person, and in a way these types of appraisal are a species of agent evaluation (Zimmerman 2002, p. 554). Some may think that the difference between aretaic and responsibility-involving judgements is inconsequential. Yet, the evaluation of character traits, or character, does not demand responsibility evaluations; the two can come apart. It is possible for agents to have a character trait that has no bearing on moral responsibility and, conversely, an agent can be morally responsible for something in a way that has no impact on that agent’s character. For example, there are cases in which we would reasonably say “she acted in such a way that was completely out of character.” Take for example Sid, a morally upstanding agent who is pushed to the limits of her sanity when her unceasingly nosy roommate, Nancy, publishes her private journals on the internet as an April Fool’s Day prank. Mortified and overcome by a fit of rage, Sid storms to Nancy’s bedroom and kills her with the very pen she uses for her daily entries. Virtues and vices are relatively stable long-term dispositions to act in various ways. So

we might say of Sid that she acted out of character, given that her usual virtuous state was overcome by vice. Such an evaluation is an aretaic evaluation. Aretaic appraisals differ from responsibility appraisals because had we been appraising for praiseworthiness or blameworthiness, we would instead say that Sid is (presumably) blameworthy for the death of Nancy regardless of her character. A more in-depth analysis, but by no means exhaustive account, of moral responsibility follows.

#### ***1.1.4 Two Views Concerning Moral Responsibility***

There are at least two views concerning the concept of moral responsibility, what have been called the “ledger view” and the “Strawsonian view.”<sup>5</sup> On the ledger view, to be morally responsible is to be such that one’s moral record is affected in some way, positively or negatively, in light of some fact or some episode in one’s life. On this view, when one is morally praiseworthy, one’s moral status has been affected positively, whereas when one is morally blameworthy, one’s moral status has been affected negatively. The view ascribes responsibility by “entering” positive or negative marks into an agent’s appropriate metaphorical ledger which reflects that agent’s moral worth. The central idea in judging an agent as blameworthy or praiseworthy in this sense is one in which actions reveal relevant facts about agents which in turn inform the marks on the ledger.<sup>6</sup>

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<sup>5</sup> There is a third competing view, call it the “attributability view”. Proponents include Adams 1985; Scanlon 1998; Smith 2005, 2007. Scanlon and Smith argue that responsibility-as-attributability is all there is—i.e. to regard an agent as praiseworthy or blameworthy in the attributability sense of responsibility is simply to believe that the credit or fault identified properly belongs to the agent (see Eshleman 2009).

<sup>6</sup> See e.g. Zimmerman 1988, 2002; Feinberg 1970, pp. 30-31; Glover 1970, p. 64.

The second view concerning moral responsibility is the Strawsonian view derived from Peter Strawson's landmark article "Freedom and Resentment" (1962). Strawson argued that agents are morally responsible based upon, what he called, "reactive attitudes." On this view, to be morally responsible just is to be an appropriate candidate for the reactive attitudes or emotions. These attitudes include things such as love, gratitude, resentment, anger, indignation and so forth. They encompass our *reactions* to either the good will or ill will that agents display in their behaviour. The reactive attitudes are our evaluative compasses to assess the responsibility of agents. The Strawsonian approach to praising or blaming agents involves the use of a shared communal understanding of moral standards. On this view, the reactive attitudes are the single most crucial aspect in evaluations of responsibility. Again, in this thesis, nothing substantial turns on which of these two views is presupposed.

### ***1.1.5 Three Conditions of Moral Responsibility***

It has been widely thought that in order for an agent to be morally responsible that agent must meet three necessary conditions: a metaphysical, an epistemological, and an authenticity condition.<sup>7</sup> Each condition will be considered in turn. I will supplement the discussion with illustrative cases.

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<sup>7</sup> See for e.g. Haji 2009.

### **Metaphysical Condition**

The metaphysical component of moral responsibility concerns the type of control or freedom one requires when performing an action. The condition is straightforward: an agent is morally responsible for an action only if the agent has control in doing the action. Very simply, to be morally responsible one needs to be able to exercise one's own freedom in performing any given action.<sup>8</sup> There is much debate concerning the specific nature of the freedom or control at issue which makes responsibility judgements true, but it is generally accepted that actions must not involve any coercion, compulsion, or relevant constraints (i.e., relevant restrictions on freedom). There can be cases where an agent may be excused for her actions due to lack of control. A case that illustrates this condition is one of an epileptic. When an epileptic has a seizure, she is possibly aware of what her body is "doing" when the seizure occurs, but that physical event is not an action of the agent. She exercises no control over what is happening to her. The complete lack of control in the case of a seizure makes it the case that we do not hold such a person responsible for, say, spilling her breakfast latte all over the newly carpeted library floor. In brief, according to the metaphysical condition, having the capacity to exercise some degree of control is required to be morally responsible.

### **Epistemological Condition**

The epistemic component of moral responsibility has to do with knowledge or beliefs of various features related to whatever it is one is responsible for: a consequence

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<sup>8</sup> Not everyone is keen on this view. Some, like Angela Smith have challenged this view, but we need not turn attention to such an objection for our purposes.

of an action, a decision, an intentional act, and so forth. Imagine a case of the following sort: you invite a friend over for afternoon tea, but unbeknownst to you someone has replaced the sugar cubes in your tin with a look-a-like laced with poison. When you offer your friend sugar to sweeten her tea, she gladly accepts not one, not two, but three lumps of the deadly sweetener. Upon taking a sip of the beverage, your friend immediately drops dead. It is apparent that you had the control necessary to perform the action of giving the deadly sugar to your friend—you could have both offered and refrained from offering the poisoned sweetener—but despite this you are not to blame for your friend's death. Non-culpable ignorance of factors relevant to the moral status of your action gives you a legitimate excuse. Thus the death of your friend is not an action for which you meet the epistemic condition. Therefore, you are not blameworthy for this action.

Ultimately, the key feature of the epistemic condition is the recognition of the importance that agents have the correct beliefs concerning the actions they perform or will perform. Just as you lacked the knowledge concerning the true substance in your sugar tin, imagine you likewise lack knowledge concerning the link between your kitchen light-switch and City Hall. Suppose that you awake in the middle of the night and go to the kitchen for a midnight snack. You flick the switch to turn on the kitchen lights and an explosion at City Hall follows. Given you had no knowledge of the link between the kitchen switch and the set of explosives at City Hall, you are not responsible for the destruction. Seriously compromised beliefs concerning an action make it the case that agents fail to be responsible for behaviour that appropriately stems from such beliefs.



### **Authenticity Condition**

The third, and final, condition for moral responsibility is the authenticity or autonomy component.<sup>9</sup> The authenticity condition becomes clear when we consider the global manipulation case motivated by Alfred Mele (1995; 2006). Mele's well-known Ann/Beth case runs roughly as follows: Ann and Beth are both philosophy professors. Ann is more dedicated to the profession than Beth. The department head wishes more professors could be like Ann! With this in mind, the department seeks to get more productivity out of Beth. The head of the department is not fussy about exactly how this comes about, and so he secures the help of some "new-wave neurologists" who can implant Beth with Ann's relevant set of values. When this procedure is performed, the agent is unable to cast off the new 'implanted' springs, which include things such as desires, beliefs, values, etc. The global manipulation procedure results in Beth becoming Ann's psychological twin in certain respects. Beth's former beliefs, desires, values, and so on that preceded the neurological procedure remain intact so long as they are compatible with the new ones. An intuitive response to such a scenario is that actions derived from an implanted spring are not ones for which Beth can be morally responsible, and it is neither a matter of Beth's control over performing these actions nor is it a matter of Beth's knowledge of the actions being right, wrong, or obligatory that exempt her from responsibility. Instead, the actions do not seemingly stem from springs of action, such as pertinent desires and beliefs, that are Beth's "own"; rather, they have been implanted.

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<sup>9</sup> See e.g., Mele 1995; 2006; Haji 1998; Haji and Cuypers 2008.

In short, the authenticity condition has to do with whether one's springs of action are "authentic" or "truly one's own" and include anything which moves one to act: desires, beliefs, reasons, values, etc. So to be morally responsible, one must have the right kinds of "springs," and it seems cases of global manipulation successfully show that there is good reason to impose the authenticity condition on moral responsibility.

I mention these three conditions, and have sought to clarify the differences among them in order to introduce the idea that just as there is a control condition for moral responsibility, there is likewise a control condition for moral obligation. Making the control condition clear for moral obligation is the task of the next section, and that section is largely informed by Ishtiyaque Haji's recent book *Reason's Debt to Freedom: Normative Appraisals, Reasons, and Free Will* (2012a).

## Chapter Two: The Control Obligation Requires

To understand why moral obligation is luck infused (the principal topic of the next two chapters), it is important to understand the kind of control that obligation requires. It has been emphasized that one is morally responsible for an action only if one has control or is free in performing that action. Thus an agent must have responsibility-relevant control in performing an action. Now I aim to show that just as moral responsibility requires control, we may likewise think other types of moral appraisal, namely moral obligation, require control. Moral obligation, just like responsibility, requires control—but obligation-relevant control. There is likewise a conceptual link that holds between freedom and deontic judgments—judgements of right, wrong, obligation. We may consider *Kant's Law* as that link.<sup>10</sup>

### 2.1 Kant's Law

Kant's Law may be simply understood as follows: if one morally ought to do something, then one can do it; or, then again, if one morally ought to do something, one has control regarding or is free in doing it. In other words, regarding moral obligation, the following principle is widely accepted (though not uncontested): if one morally ought to do something, then one can do it; and if one morally ought to refrain from doing something, then one can refrain from doing it. I aim to show that such control requires alternative possibilities. So, moral obligation, indeed, moral right and wrong, as well, require alternatives.

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<sup>10</sup> See Frankfurt 1998, Ch. 8; Haji 2012a.

Necessarily, if morality requires that you perform an action, then you can do it. It seems unreasonable to suppose that one ought to do something that one cannot—morality demands what is reasonable. Imagine that you are at home in Calgary, relaxing on a day free from teaching duties. Unbeknownst to you there is a child in Toronto who is about to die from ingesting too many household prescription medications. The child does die. It turns out that had this child lived, he would have cured cancer. To say that you had an *obligation* to save the child at the time of your relaxation is absurd for the simple reason that you were unable to save the child. If “ought” implies “can”, and you *could not* save the child, then you had no obligation to save the child. The sense of ‘can’ at work here is the precise sense relevant to the control at issue concerning moral responsibility and moral obligation. Just what the correct sense of ‘can’ amounts to is heavily debated in the literature, but this issue is not the focus of my project.<sup>11</sup> I only note that there is a difference between the “can” at work in the moral principle “ought” implies “can” and the “logical can” (Haji 2012a, p. 23), and that the sense of “can” in Kant’s Law is stronger than the logical “can.”

Early on I made a distinction between different types of moral appraisal. When we judge an action to be right (i.e., permissible), wrong (i.e., impermissible), or obligatory we make a deontic judgement. Such moral evaluations differ from, for example, the assessment of agents (responsibility appraisals), or their characters (aretaic appraisals). Unless there is persuasive reason to believe otherwise, the control required for moral responsibility is symmetrical: the same type of control is required for one to be

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<sup>11</sup> See for e.g. Haji 2002; Sinnott-Armstrong 1984; Vivhelin 2000, 2004.

blameworthy or for one to be praiseworthy.<sup>12</sup> Similarly, concerning deontic appraisals, if there is a certain type of control required for moral obligation, then it seems that unless there is reason to believe otherwise such control will likewise be required for moral right and moral wrong. Roughly if obligation requires control of the basic sort, simply that you *can* perform an action, then right and wrong also require such control.

Ultimately, Kant's Law can be understood as the control principle required for moral obligation. That is, if you ought to perform an action, you have obligation-relevant control in performing that action. If it is the case that Kant's Law expresses "just one more incarnation of the association between morality and freedom, then, again, in the absence of special reason to believe otherwise, it should also be the case that the principles that "wrong" implies "can" and "right" implies "can" express two other instances of this association." (Haji 2013) In what follows, I will lay out an argument for the view that not only does "ought" imply "can", but it also implies "can refrain from," and that not only does "wrong" imply "can refrain from," it also implies "can."

## **2.2 "Ought" implies "can refrain from" and "wrong" implies "can" and "can refrain from"**

Ish Haji has put forward an argument for the view that "wrong", just like "ought", implies "can." (Haji 2012a, p. 24-32) Further, since "wrong" simply amounts to "ought not", it also implies "can refrain from". Hence, there is an alternative possibilities requirement for "wrong". I will rely on this argument to support the view that the truth of all deontic judgements require alternative possibilities and focus on moral obligation in

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<sup>12</sup> Some (e.g. Wolf 1990; Nelkin 2011) have contested this.

particular. By relying on two intuitive principles of obligation supported by strong analyses of the concept of obligation, I endeavour to show that there is good reason to think that the truth of such moral judgements requires alternatives.<sup>13</sup> The two principles I appeal to are the following: first, the Kantian principle “ought” implies “can”, and second, the principle that it is obligatory to perform an action if and only if it is wrong not to do it (“OW”). Again, the “ought” implies “can” principle, Kant’s Law, can be understood in this way: If it is obligatory for an agent to do something, then that agent can do it, and if it is obligatory for an agent to refrain from doing something, then that agent can refrain from doing it.

Moral obligation can be thought of as a type of necessity condition, in which morality requires or demands of you to perform some action, if you can do it. Moral obligations cannot include things which are not within one’s power to do. I cannot, for example, save the person in danger of perishing in a house fire on the other side of the globe, nor can I prevent the imminent robbery of the jeweller’s shop on the other side of town.

It has been emphasized that moral responsibility requires control. When an agent is praiseworthy or blameworthy for an action, the agent has responsibility-relevant control in performing the action. We may similarly understand the “ought” implies “can” principle to be a control principle concerning moral obligation, where one has a moral obligation to perform an action only if one has obligation-relevant control in performing it. It is clear that if one is unable to perform an action, one does not have the control

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<sup>13</sup> See Feldman 1986; Zimmerman 1996; Haji 2002.

required to do it. By lacking the necessary control regarding an action, one cannot be morally obligated to do it.

Next, I turn to the principle that “wrong” is equivalent to “ought not.” The principle may be stated as follows: it is morally obligatory for one do something if and only if it is morally wrong to refrain from doing it. It seems one may fairly assume that when something is morally wrong, this is just its being such that one ought not to do it. There is a moral requirement of you, that you do not perform an action if it is morally wrong. It is important to be clear that while “ought” implies “right”, “right” does not imply “ought”. Two kids, A and B, are drowning. You can save either but not both. It could be that each action is morally on a par. It is permissible for you to save either one; it is false that you ought to save A (and it is false that you ought to save B).

Now, given that “ought” implies “can,” with the exception of sound reason to think otherwise, it seems plausible that “wrong” (and “right”) imply “can” as well. Recall that “ought” implies “can” is the principle of *control* concerning moral obligation. Moral obligation falls into the class of deontic judgements, as does wrongness and rightness. Moral responsibility also requires control—both blameworthiness and praiseworthiness require *responsibility-relevant* control. Given the symmetry of responsibility appraisals (the same kind of control is required for both praiseworthiness and blameworthiness), it seems that such a symmetry would likewise be expected of deontic appraisals—the control relevant to obligation, wrong, and right is the same. By accepting both that “ought” implies “can” and “wrong” implies “can”, the following argument may be given that leads straightforwardly to the conclusion that there is a requirement of alternative possibilities for moral obligation (Haji 2009, p. 93):

- (1) If it is obligatory for one to refrain from doing *A*, then it is wrong for one to do *A*. (From the second principle, “ought not” is equivalent to “wrong.”)
- (2) If it is wrong for one to do *A*, then one can do *A*. (from the “wrong” implies “can” analogue of Kant’s Law: *if it is wrong for one to do A, then one can do A.*)
- (3) Therefore, if it is obligatory for one to refrain from doing *A*, then one can do *A*.

But it is also true that if it is obligatory for one to refrain from doing *A*, than one can refrain from doing *A*. So, there is a requirement of alternative possibilities for obligation.

We may also give an argument for the view that “wrong” requires alternative possibilities: If it is wrong for one to do something, one ought not to do it (from “ought not” is equivalent to “wrong”). If one ought not to do something, one can refrain from doing it (from Kant’s Law). Therefore, if it is wrong for one to do something, one can refrain from doing it. But “wrong” also implies “can.” So, “wrong,” just like “obligation,” requires alternatives.

It may strike one as acceptable that rightness, the final type of deontic appraisal, too implies “can”. But it is not as clear that “right” implies “can refrain” because there is no analogous principle to “ought not” is equivalent to “wrong” for rightness that would allow us to infer that “right” implies “can refrain” (Haji 2009, p. 93). Yet it is not implausible that “right” implies “can refrain”. To see that this is so, consider a case of the following sort in which an agent, call her “Reem,” simply cannot refrain from holding an innocent baby’s head underneath the bath water. It has been established that both wrongness and obligation require alternatives. In Reem’s case, she has no alternative and thus the act is neither wrong nor obligatory. We seem to have two main options (Haji



2009, p. 93). Moral wrongness, rightness, or obligatoriness are the “primary moral statuses”. If an action has none of these statuses, it is an “amoral” act. So in the case of Reem, her holding the baby’s head under the bath water is either right or it lacks a primary moral status entirely. It is absurd that holding a baby’s head under the bath water (and so causing death we may assume) is a right action. As such, it is much more reasonable that such an action is amoral. Since most are prompted to reject a result in which Reem’s action is right, it now becomes plausible that right actions too require alternative possibilities—the same freedom or control required for wrong and obligation—in order to dodge the disagreeable consequence. So “right” implies “can refrain”.

To sum up, the truth of judgements of moral obligation require alternative possibilities. Agents may procure a moral obligation only if they could both perform the action and refrain from performing the action. Thus, moral obligation requires that agents could have done otherwise.

### **2.3 Symmetry Argument**

In this section, I will somewhat reformulate the argument given above for the view that “wrong” implies “can”. Then I will offer an argument, call it the “symmetry argument,” which provides persuasive reasons to accept this view. I will next consider one primary objection against the symmetry thesis, the “asymmetry argument”, motivated by Dana Nelkin’s most recent book *Making Sense of Freedom and Responsibility* (2011). I offer a criticism of this objection by pointing out the flaws in the argument’s first premise. This premise relies upon the principle that blameworthiness requires

impermissibility (or wrongness). By showing that this principle is deeply flawed, I reject the asymmetry view, thereby preserving the symmetry thesis.

### ***2.3.1 Brief Recapitulation***

To say that the freedom one requires in order to be blameworthy for an action is precisely the same type at issue when one is praiseworthy is fairly uncontroversial. Just as blameworthiness and praiseworthiness require control, deontic appraisals—obligation, wrong, right—likewise require control. For moral responsibility, I take there to be a necessary conceptual link between such appraisals and the freedom one requires to meet the control condition of moral responsibility. This link is captured by the following basic principle: an agent is morally responsible (praiseworthy or blameworthy) for an action only if she could have done it. So both praiseworthiness and blameworthiness require freedom or control, and since both of these varieties of agential evaluation fall into the same moral category then, barring reason to believe the contrary, these require the same brand of control. That is, such appraisals are *symmetrical* regarding the type of control one requires in performing an action. Likewise, moral obligation is one variety of deontic appraisal and it seems that the freedom required for such appraisals mirrors the freedom required for the other two varieties of deontic appraisal—wrong and right. If Kant’s Law represents the freedom required for moral obligation, whatever that variety of freedom, such freedom will be the type required for wrong and right. Therefore “ought” implies “can”, “wrong” implies “can”, and “right” implies “can” too. Very simply, in order to have a moral obligation to do something, we must be able to do it. Similarly, in order to do wrong or right, we must indeed be able to do those acts which are wrong or right. I am

unaware of any cogent reason not to believe that such a symmetry should hold between the control required for praiseworthiness and blameworthiness, and the control required for right, wrong, and obligation.<sup>14</sup> The precise details of this symmetry follow, and lead me to the second consideration for the view that “wrong” implies “can”.

### ***2.3.2 The Symmetry Argument***

Frankfurt-type examples serve as an effective illustration of the proposed symmetry between praiseworthiness and blameworthiness. Such examples are intended to show that an agent can be praiseworthy or blameworthy for an action despite being unable to do otherwise. Take for example this pair of cases presented by John Fischer and Mark Ravizza (1992).<sup>15</sup> First, the case of *Hero* (Fischer & Ravizza 1992, p. 376): Martha is walking along a beach and suddenly notices a child struggling in the water. Martha quickly deliberates about the matter, jumps into the water, and rescues the child—she does not give any thought to not trying to rescue the child. Yet, had Martha considered the option to not try to save the child, she would have been overwhelmed by guilt which would have caused her to jump into the water and save the child anyway. Fischer and Ravizza stipulate that in the alternative sequence of events the urge to save the child would be genuinely irresistible. But Martha acted freely in saving the child and, indeed, she acted in precisely the way in which she would have acted had she lacked an ability to dismiss her guilty feelings. Thus, Martha had no alternative possibilities and yet, she is

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<sup>14</sup> Haji 2012a supports this assertion as well (Chapter 2).

<sup>15</sup> Haji 2012b also appeals to these cases.

morally praiseworthy for her action. Consequently, one can be morally responsible without alternatives.

Fischer and Ravizza also offer the case of *Villain* (1992, pp. 376-377): Joe, an evil man, knows that each evening a young child stands at the end of a long pier to watch the sunset. For wicked reasons, Joe has decided to push the child off the pier to drown in the violent waters. Joe is bad, but Max is at least equally so. Concerned that Joe might hesitate when it comes to the crunch, Max covertly implants a device in Joe's brain to monitor the activity and intervene if necessary. He can activate the device to guarantee that Joe decides to push the child by stimulating Joe's brain in appropriate ways. Max will intervene if Joe displays any sign that he will not carry out his plan to push the child—it is a sure thing that no matter what, Joe will push the child with or without Max's intervention. Further imagine there is no way for Joe to counter the effects of the device if it is activated. Now it turns out that Joe pushes the child off the pier purely of his own accord. He never hesitates, thus Max does not have to intervene. Joe acts precisely as he would have acted without Max's implanted device.

Despite not having alternatives, it seems that Joe is blameworthy for pushing the child off the pier. Max is a mere *counterfactual* intervener since he *would* have intervened and caused Joe to act in a certain way had Joe been inclined to do otherwise, but such a sequence never played out. Fischer and Ravizza maintain that since there was no "responsibility-undermining factor" present in the *actual* sequence, Joe acted freely and he is morally responsible for pushing the child. Such a factor would be present in the *counterfactual* sequence, and of course, Fischer, Ravizza, and Frankfurt grant that in this sequence Joe would not be morally responsible.

From these cases we can garner intuitive pull toward the view that an agent can be blameworthy or praiseworthy for something although he could not have done otherwise. Furthermore, it appears that the responsibility-level control that Martha exercises in saving the child is of the same sort as the responsibility-level control that Joe exercises in pushing the child off the pier. So, we seem to have good reason to believe that blameworthiness and praiseworthiness have symmetric control requirements. This, in turn, lends indirect support to the view that “obligation” and “wrong” have the same control requirements (see above). Next I will consider an argument against symmetry.

### ***2.3.3 Asymmetry Argument: Nelkin’s Version***

One argument against the symmetry view concerning control for praiseworthiness and blameworthiness is what I will call the “Asymmetry Argument.” Its conclusion implies that praiseworthiness and blameworthiness have asymmetrical control requirements. That is, the type of freedom one requires in order to be morally praiseworthy differs from the type of freedom one requires in order to be morally blameworthy. Susan Wolf and Dana Nelkin are noteworthy philosophers who support this view. I will focus on Nelkin’s most recent argument against the symmetry thesis regarding moral responsibility, and proceed to offer a clearer picture as to how such a view may lead one to deny the symmetry in control requirements of deontic appraisals.

#### **Nelkin’s View**

The asymmetry thesis can be understood (roughly) as follows: whereas one can be praiseworthy for doing something despite not having alternatives, one cannot be

blameworthy without having alternatives. Consequently, the ability to do otherwise functions in an asymmetric way—you need it if you act badly, but not if you act well (Nelkin 2011, p. 35.) In her recent book, *Making Sense of Freedom and Responsibility*, Dana Nelkin puts forward an argument for the view that moral blameworthiness requires alternative possibilities. Nelkin’s view unfolds in two parts: first, she appeals to Kant’s Law and second she denies the validity of Frankfurt-type examples. I will focus solely on the first argument in which Nelkin appeals to the “ought” implies “can” principle. Indeed, she calls her view a “derivation” from Kant’s Law. A brief summary of her “derivation” will be useful for understanding my later argument against her view.

Very simply, Nelkin’s derivation appeals to Kant’s Law (the “ought” implies “can” principle) and the principle that blameworthiness requires impermissibility (or wrongness). The blameworthiness requires impermissibility principle (“BW” in short) states: *If S is blameworthy for having performed action, a, then S ought not to have performed action a.* Nelkin lays out her derivation as follows (Nelkin 2011, pp. 100-101):

- (1) If S is blameworthy for having performed action *a*, then S ought not to have performed action *a*.
- (2) If S ought not to have performed an action *a*, then S could have refrained from performing action *a*.

Therefore, if S is blameworthy for having performed action *a*, then S could have refrained from performing action *a*. In other words, we have:

PAP-Blame: A person is morally blameworthy for what he has done only if he could have done otherwise.

### ***2.3.4 My Reply to Asymmetry Theorists***

I advance two reasons against line (1) or BW. One appeals to the suberogatory, the other to moral luck.

#### **The Suberogatory Case**

Recall premise (1) of Nelkin's Derivation: If S is blameworthy for having performed action *a*, then S ought not to have performed action *a*. Because "ought not" is equivalent to "wrong," (1) says that one is blameworthy for an action only if it is wrong for one to have done it. Two categories of moral action are the supererogatory and the suberogatory. Julia Driver defines suberogatory acts as those which are "bad to do, but not forbidden." (Driver 1992, p. 286) These are precisely the type of actions which show that blameworthiness does not require wrongness. The suberogatory is most easily distinguished by comparison with the supererogatory. Supererogatory actions are permissible actions which go above and beyond what morality demands of us. The typical cases used to illustrate this sort of action often involve heroic acts. For example, a mail carrier rescues a child from a burning building on her mail route; or a valiant soldier jumps on a grenade to save his comrades (Haji 2002, p. 167).

Suppose Pablo the Postman is no ordinary postman. He not only delivers mail, but saves babies from infernos. He encounters such a blaze on his usual mail route and hears the cries of a baby on the top floor. Without a second thought, Pablo rushes into the burning building, races up to the top floor, sees the flames edging nearer to the crying child, dashes across the fiery floorboards, picks up the child, leans over the window ledge and drops the child to safety. Pablo did all of this at the expense of the grave risk of his

suffering major burns. Pablo's action of saving the baby was a supererogatory one since morality in no way demanded that he risk so much by entering the burning building deemed unsafe even for the most highly trained professional firefighters. His action was not obligatory, but it was morally optional. Suberogatory actions are also morally optional, or permissible, but not morally wrong. A summary of Paul McNamara's account of the supererogatory and the suberogatory will be useful.

### **Paul McNamara: His Revised Accounts**

Traditional accounts of supererogation maintain that a supererogatory act is morally optional (it is not obligatory or wrong), its performance is praiseworthy, and its omission is not blameworthy. On the traditional account of suberogation, a suberogatory act is morally optional, its performance is blameworthy, and its omission is not praiseworthy. According to Paul McNamara, a supererogatory act is morally optional, it is not morally indifferent (so it is morally significant), it is incompatible with doing the minimum that morality demands, its performance is praiseworthy, and its omission is not blameworthy. A suberogatory act is morally optional, it is not morally indifferent (so it is morally significant), it is incompatible with doing the maximum that morality demands, its performance is blameworthy, and its omission is not praiseworthy. To illustrate, McNamara advances this example (McNamara 1996, pp. 425-426):

“Suppose that in virtue of promising to get in touch with you, I become obligated to do so. Suppose also that I can fulfill this obligation in two ways: by writing you a letter or by stopping by on the way to the store. (Imagine that you're an eccentric who hates phones.) Add that my other obligations make me too busy permissibly to do both. Finally suppose that, morally speaking, I put in a better performance if I pay you a visit rather than write you, even though



either one is permissible. Then if I *do the minimum morality demands*, I will write rather than visit. This is the pivotal notion here. The important thing to note is that what is necessitated *by meeting morality's demands in a minimally acceptable way* is not to be confused with doing what I am obligated to do—with doing what morality demands of me. For morality demands only that I contact you and that I don't both write and visit, whereas doing the minimum that morality demands includes these plus writing you. Despite its conspicuous absence in the literature, some such notion is vital to the concept of supererogation. For if it is possible for me to discharge my obligations in a supererogatory way (in a better than minimal way), then it ought to be possible for me merely to discharge them in a minimal way—and vice versa.”

McNamara's case is especially enlightening concerning the blameworthiness-requires-wrongness principle because we have a case in which an agent is blameworthy, but does not do wrong. By failing to do the maximum that morality demands, and given your base motivations, you can be blameworthy, but by performing the minimum you do not do any wrong. This is precisely the type of scenario that reveals (BW)'s major flaw because we now have a case in which an agent is blameworthy without doing wrong. If you are blameworthy in McNamara's case, then moral blameworthiness does not require wrongness. So (BW) does not accurately capture the requirements for moral blameworthiness in all instances, and so is subject to justified criticism.

### **More Examples of the Suberogatory**

Driver motivates another example in her article “The Suberogatory.” Consider the following case: a man, call him “Grumpy,” is waiting on a train platform along with a young couple (Haji 2002, p. 171). The first person that boards the train gets first choice of seats. Now imagine that the train is pretty full and it is obvious to any onlooker that the

starry-eyed lovers would like to sit together. Grumpy boards the train first and takes the only open seat that could accommodate two persons, leaving the couple to sit apart. Despite knowing all of this about the lovers, it is still within Grumpy's rights to take the seat — it is not as though the couple has any more claim to the seat than Grumpy. Yet by choosing to sit in the only available place for two, Grumpy performs a suberogatory act. Although the action was morally optional, we can assume that he is blameworthy. He fell short of decency. If Grumpy is blameworthy, but committed no wrong, this is a case that challenges (BW). It is a case in which someone is blameworthy without doing wrong.

Mowing your lawn early Sunday morning is, arguably, another case of the suberogatory. Imagine after a week of hard work, you finally set aside Sunday morning to relax. However, your rest is disrupted by Neighbour Ned who has decided to mow his lawn very early in the morning (6:00AM!). It is within Neighbour Ned's rights to mow his own lawn, it is his property. It seems though, that this is not the best that Neighbour Ned could have done. Assume that Neighbour Ned had no other engagements or appointments that day that made it the case that the only time he could begin to mow his lawn was at sunrise. Instead of mowing his lawn so early in the morning, Neighbour Ned could have waited an extra hour or two; earlier, he could have read the morning newspaper, taken the dog for a walk or eaten his breakfast more leisurely. Though Neighbour Ned's action is permissible, just as Grumpy's was also permissible, he is blameworthy. He is blameworthy for doing the minimum that morality demanded of him in virtue of his being inconsiderate.

It is crucial to understand McNamara's distinction between the maximum and the minimum to see the effectiveness of the suberogatory cases outlined. An agent puts in a

morally better performance, so to speak, if that agent performed an action that is better than the minimum (of course, assuming that there are minimal and maximal ways of satisfying the demands of morality). Returning to McNamara's example of writing a letter or making a trip to visit a friend as a means of fulfilling a promise to get in touch, both actions are permissible. But, if making the trip to visit is better than writing a letter, while the latter is not wrong, then writing a letter is an instance of the minimum morality requires. So letter writing is a suberogatory act (assuming other conditions of the suberogatory are satisfied). Recall suberogatory acts are morally optional. According to McNamara, suberogatory acts are incompatible with doing the maximum that morality demands, their performance is blameworthy, and their omission is not praiseworthy. The important thing to note for my project is that suberogatory acts are not *wrong*, but agents can be *blameworthy* for performing them. In this manner, the suberogatory encourages the view that (BW) is mistaken.

### **Luck and Zimmerman**

The second consideration which tells against (BW) is largely informed by Michael J. Zimmerman's article "Taking Luck Seriously," (Zimmerman 2002, pp. 553-576), I will endeavour to show that the blameworthiness-requires-wrongness principle is false in light of cases that illustrate that an agent can be blameworthy even if he did not do *anything*, never mind the requirement of doing *something* wrong. Reflection upon the following cases involving moral luck will clearly bring out the divide between the agent appraisals and deontic appraisals at issue (BW).

Consider our protagonist George<sub>1</sub> who threw a dagger and killed Henry<sub>1</sub>. This first case will act as our benchmark case in which it is uncontroversial to assume that George<sub>1</sub> is responsible for killing Henry<sub>1</sub>. Now, consider George<sub>2</sub> who threw a dagger to kill Henry<sub>2</sub>, but the dagger was intercepted by a large bird. Fortunately for Henry<sub>2</sub> his life was spared, though unfortunately for the bird I suppose. But George<sub>2</sub> could be said to be just as responsible as George<sub>1</sub>. The circumstances were exactly the same as those in the case of George<sub>1</sub> to every extent possible, aside from the bird's interfering in the dagger's path. The relevant factors in appraising responsibility are those that are in George<sub>2</sub>'s control. It seems fair to judge George<sub>2</sub> to be just as much of a morally reprehensible agent as George<sub>1</sub>, given the same circumstances (which include the agent's internal deliberation). In this way, George<sub>1</sub> and George<sub>2</sub> seem on par as far as blameworthiness is concerned, given that they both decided to kill, and they both made the attempt. The passing bird seems irrelevant in appraising the moral responsibility of George<sub>2</sub>, and he could be judged to be the same type of agent as George<sub>1</sub>. Both are equally responsible, despite being responsible for different things. George<sub>1</sub> is responsible for intending to kill Henry, the attempt to kill Henry, and the actual killing of Henry. George<sub>2</sub> is also responsible for intending to kill Henry and the attempt to kill, but not for the actual murder since that did not occur. But there is a counterfactual that is true in the case of George<sub>2</sub>: had the bird not intercepted the dagger, George<sub>2</sub> would have killed Henry<sub>2</sub>. Some outside factors beyond George's control do not diminish the blameworthiness of George<sub>2</sub>.

To draw out the responsibility of the agent further, consider George<sub>3</sub>. George<sub>3</sub> also intends to kill Henry<sub>3</sub> by means of throwing a dagger. Zimmerman gives examples

that involve George either sneezing or having his line of fire blocked by a truck that pulls up in front of Henry, which completely diminished George<sub>3</sub>'s opportunity to kill (Zimmerman 2002, p. 563). Suppose that as George<sub>3</sub> was about to throw the dagger, he was suddenly overcome with paralysis and fell to the ground unable to hurl the dagger into Henry<sub>3</sub>'s heart. The case of George<sub>3</sub> strikes many as most controversial and opponents may bring forward a denial of responsibility in this case because George<sub>3</sub> did not perform any action – he didn't do anything so he didn't do any wrong. Despite being overcome by paralysis, the following counterfactual is true of George<sub>3</sub>, just as a relevantly similar counterfactual was true of George<sub>1</sub> and George<sub>2</sub>: had he not been paralyzed, he would have thrown the dagger to kill Henry. In the case of George<sub>2</sub>, had the bird not interfered, he would have killed Henry. In the case of George<sub>1</sub>, it just so happens that the intended result was achieved. To strengthen further the case of George<sub>3</sub>, we can appeal to a principle of control, call it the “luck principle”, which states that what is beyond one's control cannot diminish one's degree of blameworthiness. As Zimmerman puts it, “luck is irrelevant to degree of moral responsibility.” (Zimmerman 2002, p. 559)

Further, consider the case of George<sub>4</sub>. George<sub>4</sub> really wants to kill Henry<sub>4</sub>, but he does not even have access to a dagger (or any other means to murder). And yet, the following counterfactual is still true of George<sub>4</sub>: had the circumstances cooperated (i.e., if George<sub>4</sub> had access to a dagger), he would have killed Henry<sub>4</sub>. In the cases of George<sub>1</sub>, George<sub>2</sub>, George<sub>3</sub> and George<sub>4</sub> it is plausible to suppose that each of these agents is equally morally blameworthy even if the agents in the last two cases performed no action, and so no wrong action. Zimmerman proposes that the degree of blameworthiness is to be

distinguished from the scope of blameworthiness. Responsibility appraisals are primarily appraisals of agents. All the Georges are equally responsible given that they could be said to be something like the same type of agent. To say that George<sub>1</sub> but not George<sub>4</sub> performed a wrong action is a deontic judgement. Again, this is distinct from the responsibility judgement which is an appraisal of the agent.

### **Scope and Degree Distinction**

By degree of responsibility, what is meant is something like the moral ledger of each agent is affected in some negative way whether or not the outcomes of their actions are realized or whether or not these actions are performed. Scope denotes the things for which an agent is responsible. As shown in the cases of George<sub>3</sub> and George<sub>4</sub>, the scope can dwindle to nothing and *still* an agent can be morally responsible. This seems like an important feature of moral responsibility that is simply not captured by the blameworthiness-requires-wrongness principle. If luck is irrelevant to moral responsibility, it seems plausible that wrongness cannot be a criterion upon which to make appraisals of blameworthiness. The cases of the four Georges and the dagger reveal that it is *not* true that an agent is morally blameworthy for performing an action only if it is morally wrong for the agent to perform that action.

### **2.4 Chapter Conclusion**

In summary, Fischer and Ravizza's Frankfurt-type cases "Villain" and "Hero" seem to show that moral responsibility appraisals are symmetric with respect to the type of alternatives one requires: that is, neither requires alternative possibilities. I considered

Nelkin's asymmetry thesis and to counter her challenge I argued that her "Derivation" is flawed because it relies on the principle that blameworthiness requires wrongness (BW)—an agent is morally blameworthy for performing an action only if it is morally wrong for her to perform this action. This principle forges a conceptual link between responsibility appraisals and deontic appraisals. (BW) is false on several counts. I have shown that not only can one be morally blameworthy for an action which is not wrong, but one can be blameworthy for no action whatsoever! Appraisals of moral responsibility are primarily of agents and assess an agent based upon the relevant entries in that agent's relevant "moral ledger".<sup>16</sup> Individuals can either adversely or favourably affect their moral statuses by performing right or wrong actions or, as illustrated in the George cases, be the type of agent that *would* perform an action had the circumstances cooperated. The blameworthiness-requires-wrongness (BW) principle simply does not capture these important aspects of both agent and deontic appraisals. Such appraisals can and do come apart. Thus, the asymmetry thesis proposed by Nelkin, among others, remains unpersuasive. Since Nelkin's "Derivation" relies upon (BW), and (BW) is false, there is also good reason to reject her argument. Therefore, the asymmetry thesis does not provide any threat to the view that responsibility appraisals do not require alternatives. Thus we are left with no impetus to conclude that deontic appraisals are likewise asymmetrical.

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<sup>16</sup> I appeal to the ledger view of responsibility here, but this is not essential.

## Chapter Three: Frankfurt Examples, Luck, and Obligation

### 3.1 Frankfurt-type Examples

Frankfurt-type examples were drawn on in the previous chapter to show that the *symmetry argument* is persuasive. In this section I offer a more meticulous breakdown of Harry G. Frankfurt's original position argued for in his 1969 paper "Alternate Possibilities and Moral Responsibility." (Frankfurt 1998, pp. 1-10) Following John Locke's lead, Frankfurt generates a series of cases that challenge the view that moral responsibility requires alternative possibilities.<sup>17</sup> He rejects the principle of alternate possibilities, otherwise known in the literature as PAP. This principle states that "a person is morally responsible for what he has done only if he could have done otherwise." (Frankfurt 1998, p.1) There is a vast philosophical literature dedicated to the question of whether this principle is true, and Frankfurt stands out as one of the first to take a position opposed to this well-accepted principle. Contrary to the common philosophical views of the time, Frankfurt very clearly states his position: "... the principle of alternative possibilities is false." (Frankfurt 1998, p. 1) After offering a series of interesting cases, Frankfurt concludes that agents can be morally responsible despite having no alternatives—that is, one can be morally praiseworthy or blameworthy despite being unable to do otherwise.

In addition to PAP, a related principle that Frankfurt briefly discusses holds that if a person has been coerced to do something, then she is not morally responsible for having done it. A counterexample to PAP would be a case in which a person is morally

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<sup>17</sup> See Locke 1690, Ch. 21.



responsible for what she did, but she could not have done otherwise. A counterexample to the *second principle* would be provided by a case in which a person is morally responsible for what she did, but she was coerced to do it. Frankfurt's primary concern is to find a counterexample to the first principle, PAP, and along the way he considers the possibility of several counterexamples to the second principle involving coercion. Keep in mind that according to Frankfurt, the second principle is *not* a particularized version of PAP. However, counterexamples to this second principle point the way to uncovering a counterexample to PAP.

After considering two cases (not presented here) which fail to be counterexamples to the principle of alternate possibilities, Frankfurt suggests a third case in which his protagonist, Jones, has decided for reasons of his own to carry out some action. Jones is threatened soon after making the decision. The threat will be carried out if Jones does not do the action which he had previously decided to do. Jones is neither indifferent nor stampeded by the threat, but since he is a "reasonable" person, the penalty at the very least makes an impression upon him—that is, Jones *would* have been compelled to act on account of the threat, had he not already *decided* on his own to act. Frankfurt maintains that Jones is not moved to act because of the looming threat in this case; instead Jones performs the action for his own reasons. Frankfurt entertains the view that one might claim that if the impending threat is harsh enough, then Jones could not have done otherwise than perform the action. However, Jones in fact performs the action for his own reasons, based upon his own decision, and *not* because of any threat. Thus, Frankfurt concludes it would be bizarre to excuse Jones for what he did. Jones is morally responsible and so this case, Frankfurt thinks, counts against the second principle

involving coercion and, so some might believe, against PAP as well. The example is significant because although Jones was threatened, it is not the threat that moved Jones to decide and act as he did. Rather, Jones decided on “his own.” We will see that this apparent insight—that Jones decided on his own, just as he would have had he not been threatened—plays a crucial role in Frankfurt’s counterexample against PAP. Frankfurt proposes that responsibility depends on what happens in the “actual sequence of events” that leads to decision and (perhaps) subsequent action.

However, if directed against PAP, Frankfurt recognizes that one may challenge the example in the following manner: very simply, deny the claim that Jones could not have done otherwise, and if Jones indeed could have done otherwise, then the case is not a counterexample to the principle of alternative possibilities. Frankfurt expects his opponent to argue that, should Jones lack the ability to resist the harsh threat, this does not result in a lack of alternatives strictly speaking. It is still open to Jones to defy the threat if he so chooses, and thus accept the harsh penalty. This is an alternative, not a great one, but an alternative nonetheless.

Frankfurt’s next move is elegant. He advances a fourth case, which has become quintessentially known as the *Frankfurt-style example*. The case unfolds in two stages. In the first stage our protagonist, Jones, decides to do some action and intentionally does it. Let us presume Jones decides to steal a mammoth fortune from a wealthy mistress. It is generally agreed that Jones is morally responsible for performing this mental action (that is, *deciding* to steal). In the second stage, we are introduced to Black. Black is an evil villain who wants the wealthy mistress to lose her fortune for his own reasons (perhaps she ran over his beloved dog and he wants revenge). Black is so villainous that no matter

what initial preferences or inclinations Jones has, Black will have his way. Threats, potions, and hypnosis are among the ways Frankfurt suggests Black could exploit to ensure his desired outcome. In this way, Black may be considered the “failsafe mechanism” in the Frankfurt scenario—that is, sudden death and the like aside, Jones will indeed steal from the wealthy mistress no matter what, because if necessary Black will make it happen that Jones will decide to and then steal. But Stage 2 unfolds in the following way: Black never actually has to interfere or “show his hand” (as Frankfurt says) because Jones decides *on his own* to steal from the wealthy mistress. It seems fair to suppose that Jones is morally responsible to the same degree in Stage 2 as he was in Stage 1 when Black was not present. We cannot excuse Jones for deciding to steal the fortune simply on the basis of lacking the ability to do otherwise. This would be unreasonable according to Frankfurt (1998, p. 7). In Stage 2, everything unfolded just as it would have without Black’s readiness to interfere (Frankfurt 1998, p. 7).

Frankfurt’s assessment is clear: Black’s presence in Stage 2 played no role in Jones’ making the decision that he did. Jones decided in just the same way as he would have were Black not on the scene. Indeed, Frankfurt proposes it is in some sense up to Jones whether he acts on his own or by Black’s intervention (this perhaps captures the “alternatives” which PAP-theorists seek). But either way, Jones performs exactly the same mental action: he makes the same decision. That is, there is *no alternative* mental action. But by doing the action on his own in Stage 2, Jones’ degree of moral responsibility is unaffected (Frankfurt 1998, pp. 8). The fact that there are no alternatives does not play any explanatory role in why Jones did what he did—in this case, the fact plays no role in explaining why he decided to steal from the wealthy mistress. Frankfurt

remarks that Jones did not perform the action *because* he had no alternative. Indeed whatever led Jones to act would have led him to do that precise same thing even if he *could* have done otherwise. Frankfurt maintains that PAP is mistaken because “it asserts that a person bears no moral responsibility—that is, he is to be excused—for having performed an action, if there were circumstances that made it impossible for him to avoid performing it. But there may be circumstances that make it impossible for a person to avoid performing some action without those circumstances in any way bringing it about that he performs that action.” (Frankfurt 1998, pp. 8-9) Ultimately, if Frankfurt’s cases are convincing, no matter how “could have done otherwise” is construed, it will be possible to supply a successful counterexample to PAP. For that reason, rejecting the principle of alternate possibilities seems to be reasonable.

While I recognize that Frankfurt-type examples are controversial, it seems that Frankfurt has provided at the very least a strong *prima facie* case for the view that moral responsibility does not require alternate possibilities. Rather than seeking to explore the merits and flaws of such cases—a separate thesis entirely—I seek to show that if such examples are persuasive, then certain results—interesting results—follow for both responsibility and obligation. For that reason, now that I have accounted for the details of Frankfurt’s own case, I turn to the implications of my earlier view as argued for in Chapter 2 (recall the symmetry thesis), given Frankfurt-style scenarios.

### **3.2 Frankfurt-type Examples: A Case of Blameworthiness without Wrongness**

In Chapter 2, I argued that just as judgements of moral responsibility require control, so too do deontic judgements—judgements of right, wrong, and obligation. I

argued that Kant's Law, the "ought" implies "can" principle, can be understood as the control principle concerning moral obligation. Further, by accepting both the "ought" implies "can" and "wrong" implies "can" principles, I concluded that there is a requirement of alternative possibilities for deontic judgements. For example, no one can perform an obligatory or wrong action if one could not have done otherwise. Alternatives are at issue when considering both the symmetry thesis (the view that deontic appraisals are *symmetrical* with respect to requiring alternatives) and PAP. Interesting implications will result from further consideration of these matters.

In Stage 2 of Frankfurt's case, Jones is unable to do otherwise because of Black's presence. Jones will inevitably decide to steal the mammoth fortune from the wealthy mistress. Either Jones will decide on his own and go ahead and steal, or if Jones is about to decide not to steal, then Black will intervene and make it the case that Jones does decide to steal from the mistress. Frankfurt used this type of case to target the principle of alternative possibilities—PAP: one of Frankfurt's salient conclusions is that one can indeed be morally responsible without having any alternatives.

Now for an important result: because Jones cannot do otherwise, he in fact does not do wrong. Why so? I argued for the view that judgements of right, wrong, and obligation require alternative possibilities. One cannot, for example, perform an action that it is wrong for one to perform unless one could have done otherwise. In the Frankfurt scenario presented above, Jones is unable to refrain from stealing the mammoth fortune from the wealthy mistress. Since he is unable to refrain, and so unable to do otherwise, he does no wrong. In brief, wrongness requires alternatives, Jones (in his Frankfurt predicament) has no alternatives, and therefore his action is not wrong. *And yet*, it seems

that Jones is indeed blameworthy. Interestingly, we now have another means to support the view that the principle that blameworthiness-requires-wrongness is false. Jones is blameworthy for an action that it is not wrong for him to perform.

This implication is not reserved solely for wrongness. We can conjure up a Frankfurt-type case in which Jones stars as a praiseworthy gentleman. In Stage 1, Jones sees a child lying in the direct path of an oncoming freight truck moving at considerable speed. Jones decides to save the child, and indeed does save the child from being killed at great risk to his own life. In Stage 2, Black has his own reasons for wanting the child to live (perhaps he knows the child will receive a large inheritance, or maybe he simply likes to see children grow into healthy adults), but he does not want to show his hand directly. If necessary, he will interfere in some way to ensure that Jones decides to save the child. But Black never needs to intervene. Jones saves the child purely of his own accord, despite having no alternatives. Here, again, without any alternatives Jones did not perform a right (or an obligatory) action. Yet he may well be praiseworthy for deciding to save the child and for saving the child. Thus, praiseworthiness does not require rightness or obligatoriness. Frankfurt-type examples interestingly provide good reason to reject both the principle that blameworthiness-requires-wrongness (BW) *and* the principle that praiseworthiness-requires-rightness (PR).

### **3.3 Implications for Right, Wrong, Obligation and Luck**

Further interesting implications concerning obligation and luck come out of considerations of Frankfurt-type cases. What is significant in this section is how luck can play a role in whether one is indeed performing an obligatory or wrong action.

Recall the *asymmetry view* roughly states: whereas one can be praiseworthy for doing something despite not having alternatives, one cannot be blameworthy without having alternatives. The ability to do otherwise, thus, functions in an asymmetric way. In Chapter 2, I advanced some considerations of luck against the principle that blameworthiness-requires-wrongness (BW) and concluded that the asymmetry view of responsibility judgements was deeply flawed. Following Zimmerman I made use of the luck thesis—the thesis that degree of responsibility cannot be affected by what is not in one’s control—to show that an agent’s degree of moral blameworthiness is not affected by factor’s beyond her control. Here I am interested in how Frankfurt-type scenarios can be used to show that obligation is also subject to luck in an interesting way.

First, though, let me say a few more things about luck and responsibility. Consider again Stage 2, in which Jones decides to steal from the wealthy mistress on his own; had he not decided to steal from her, Black would have forced his hand. Again, some theorists might claim that Jones stole from the mistress freely, and others will say that without alternatives Jones cannot be responsible. But according to the luck thesis factors beyond one’s control have no impact on degree of responsibility. Whether Black is present (or not) and whether he interferes (or not) are outside of Jones’ control. As I argued in the previous chapter, what is at issue is not whether Jones can or cannot steal from the wealthy mistress, but whether he *would* do so in the absence of Black. Since one’s degree of responsibility cannot be affected by luck, Stage 2 Jones is equally morally responsible for deciding to steal the mistress’s fortune. In his Frankfurtian situation, Jones 2 does not have any alternative—he would have decided to steal no

matter what, whether of his own accord or by the force of Black. Whether Jones 2 acts as a result of Black's intervention is a factor beyond Jones' control.

Thus, given the luck thesis, such a condition (the presence of Black) does not detract from the degree to which Jones is morally responsible for deciding to steal. So the degree to which Jones is blameworthy is unaffected by matters of luck.

Here, following Zimmerman on his point again, what matters is whether Jones *would have* freely decided to steal from the mistress had certain factors beyond his control cooperated (Zimmerman 2002, pp. 567). So, whether Jones decides on his own or decides on his own in Black's presence to steal the mammoth fortune from the wealthy mistress is essentially beside the point concerning his degree of responsibility.

Second, I will now consider how Frankfurt-type examples can be used to show that obligation is also subject to luck in an interesting way. For this part, let me start with a sketch of another Frankfurt-type case, call it "Kill Bill". In Stage 1, suppose our protagonist, again, is Jones. Jones decides to kill Bill the Banker and then does kill him. In this stage, it is generally uncontroversial to suppose that Jones is blameworthy for his decision and action, and to assume, further, that his action of killing Bill is wrong. In Stage 2, suppose Black is once again the evil villain on the scene. Black wants Bill dead for his own reasons and no matter what he will have his way, but will not show his hand in the matter. Instead, if Jones is about to decide to refrain from killing Bill, Black will intervene. Perhaps Black is attuned to Jones' particular involuntary sign, such as blushing, trembling, or sweating, that Jones displays when he is about to decide to do otherwise. Yet in Stage 2, Black never actually has to interfere because Jones indeed does decide on his own to kill Bill. This is the result Black wants and the one he gets without



any intervention. In this Frankfurt scenario, it seems that Stage 2 Jones is blameworthy to the same degree as Stage 2 Jones would have been in a scenario in which Black was not present. Stage 2 unfolded just as it would have without Black's presence on the scene. Accordingly, we are justified to hold Jones 2 responsible to the same degree as Jones 1.

Paying attention to the details of this Frankfurt-type case, I propose there are at least three ways in which luck intervenes. The first concerns the presence or absence of a counterfactual intervener; the second concerns whether or not one has alternatives; and the third concerns the moral status of the action performed. To address the first two ways in which luck intervenes, imagine that Black is fickle: sometimes he intervenes and sometimes he does not. If Black is present, then Jones cannot do otherwise—that is, Jones has no alternatives. If Jones has no alternatives, on my view, he does no wrong. This hinges on the argument that actions which are right, wrong, or obligatory require alternatives—that Jones can and can refrain from deciding to kill Bill in this Frankfurt-type case. But with Black present, Jones cannot refrain. Without the ability to refrain Jones has no alternative, thus killing Bill is not wrong for Jones. Compare this with Stage 1 Jones where Black is not present. Black is not present and so we may assume that Jones *can do otherwise*. Since Jones can do otherwise, he has alternatives. Thus, killing Bill *is* (or may well be) *wrong* for Jones 1. Notice that it is not within Jones' control—it is a matter of luck—whether Black is present. It turns out that killing Bill is an action which is wrong in one instance, but not another.

Concerning the third way in which I suggested luck intervenes in Frankfurt-type cases, it turns out that the moral status of Jones' action is also affected by luck. In order

for an action to have a primary moral status, one requires alternatives when performing said action (given the symmetry view). Black's presence in Stage 2 precludes Jones from having the alternatives required in order to perform a morally wrong (or right or obligatory) action. Thus it seems to be that what moral status his action has—whether it is right, wrong, or obligatory—is also a factor beyond Jones' control. As a result the wrongness of killing Bill is a matter of luck. Sometimes killing Bill is wrong (when Jones has alternatives, as in Stage 1), and other times killing Bill is not wrong (when Jones has no alternatives, as in Stage 2). The upshot: killing is amoral in Stage 2—it is not right or wrong or obligatory for Jones, but it is wrong for Jones in Stage 1.<sup>18</sup>

### **3.4 Objections**

#### ***3.4.1 First Objection and Reply***

In this section I anticipate and address an objection to what I have proposed regarding Frankfurt-type examples. One may be inclined to ask: if Frankfurt's cases successfully overturn the principle of alternate possibilities (PAP), then why don't such cases also overturn the "ought" implies "can" principle? That is, if Frankfurt-type examples show that responsibility requires no alternatives, why don't these cases also show that the right, wrong, and obligation also require no alternatives? To address this concern I return to a distinction made previously in the introductory chapter of this thesis.

In the first chapter of this thesis, I sought to make clear that we can distinguish between several varieties of moral evaluation. Some such evaluations involved the

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<sup>18</sup> For more on Frankfurt-type examples, luck and obligation, see Ish Haji (2013), "Luck, the Range of Obligations, and Frankfurt Examples," forthcoming in *Philosophical Papers*.

assessment of agents, actions, and character. For the purposes of this section, I am interested solely in responsibility judgements of agents and morally deontic judgments of actions. Again, roughly, responsibility judgements assess agents whereas deontic judgements evaluate actions. (Recall that morally deontic appraisals involve assessing actions as morally right, wrong, or obligatory.)

The principle of alternate possibilities (PAP) implies that being able to do otherwise is required for moral responsibility. The “ought” implies “can” principle is the control principle at work regarding deontic evaluations. The former is a principle concerned with moral responsibility, the latter with right, wrong, and obligation. I offer a recap of the distinction between various kinds of moral evaluation, because it seems that the objection I am addressing is fundamentally misguided as it conflates two different kinds of moral appraisal.

PAP implies that you need to be able to do otherwise in order to be responsible. Agreeing with Frankfurt, I deny the truth of this principle. But I support the view that deontic appraisals require alternatives—that one both *can* and *can refrain* from performing some action if the action, for example, is morally wrong. The objection seems to be motivated by the idea that there is some kind of contradiction here in denying alternatives in the case of responsibility, but requiring them for actions to be right, wrong, or obligatory. My response is simple and very basic. The reason why Frankfurt-type cases do not overturn “ought” implies “can” is because Frankfurt cases are directed towards an entirely different kind of moral judgement, namely *moral responsibility*. PAP says that you need alternatives in order to be morally responsible. My aim was to show that you need alternatives in order for an action to be right, wrong, or obligatory. No

action is right, wrong, or obligatory without alternatives. Alternatives regarding moral responsibility versus alternatives regarding deontic judgements are very, very different and since these are fundamentally distinct types of moral evaluation, I see no reason why one cannot hold the view that alternatives are required for one but not the other. It has been shown before that appraisals of moral responsibility (e.g. blameworthiness) and deontic evaluations (e.g. wrong) can and do come apart. Since such appraisals come apart, and involve different sorts of judgements, I see no reason to deny the view that whereas alternatives may not be required for the truth of one sort of judgment—responsibility judgments—they may well be required for the truth of the other sort—morally deontic judgments. Therefore, there is no reason to accept the claim that Frankfurt-type cases overturn Kant’s Law—“ought” implies “can”—on the basis that such cases impugn PAP.

### ***3.4.2 Second Objection and Reply***

Now, one may certainly grant that responsibility judgements differ in kind from morally deontic judgments, and yet still push against my claim that what Stage 2 Jones did was not wrong. How can it be that deciding to kill (and then actually killing) Bill the Banker, as Stage 2 Jones does, is *not wrong*?

In reply, I invite you to consider another Frankfurt-type example. Rather than focusing on the negative element of moral responsibility (blameworthiness), let us instead centre on the positive element: praiseworthiness. In this Frankfurt-type example, Stage 1 unfolds in this way: our protagonist, Bones, is a graveyard groundskeeper who saves a kid from falling to his death into one of the freshly dug (and very deep) grave plots. Since

nobody else is around (graveyards are not the most popular hangouts), on the surface it seems that there is good reason to think Bones was obligated to save the kid. Stage 1 Bones is praiseworthy for her decision and for her action of saving the kid. In Stage 2, suppose there is a virtuous counterfactual intervener, Jack, on the scene. Jack wants the kid to live for his own reasons and no matter what he will have his way, but he will not show his hand in the matter (he's a shy guy). Instead, if it should happen that Bones is about to decide to refrain from saving the kid from plunging to his death, then Jack will intervene. But Stage 2 unfolds as follows: Stage 2 Bones decides to save and does save the kid from falling into the deep, deathly plot in the ground. Jack is passive because his desired result occurs without the need for any intervention. In this stage, it seems that Stage 2 Bones is just as praiseworthy as Stage 1 Bones for deciding to save (and saving) the kid. Stage 2 unfolds in just the same way as it would have without the presence of Jack. For this reason, Bones 2 is praiseworthy to the same degree as Bones 1 for her pertinent decision.

In the Frankfurt-type case sketched above, in Stage 1 Bones performed the obligatory act of saving the kid. There are no concerns about the "ought" implies "can" principle at this stage. Bones (in Stage 1) ought to have saved the kid, and she can (and did) save the kid. Well, what about Stage 2? Despite having no alternatives here, Bones 2 is praiseworthy for her action. Furthermore, it turns out that because of a lack of alternatives, Stage 2 Bones was not obligated to save the kid. For my opponent, this result is incredibly counterintuitive. But notice that such a Frankfurt-type case shows that an agent, like Bones 2, can be morally praiseworthy without performing an obligatory action. As a result the principle that praiseworthiness-requires-obligatoriness (PR) is

shown to be false just as the principle that blameworthiness-requires-wrongness (BW) was shown to be false in the first chapter.

This aside, let's revisit the argument that "wrong" requires "alternatives" to address the objection of interest with which we began. At the core, my earlier argument to support the view that wrongness and obligatoriness require alternatives has these components:

- 1) "ought" implies "can" (Kant's Law).
- 2) "wrong" implies "can" (2nd principle, "OW").
- 3) "ought not" implies "can refrain from".
- 4) "ought not" is equivalent to "wrong".
- 5) "wrong" implies "can refrain from".

C. Therefore "wrong" requires alternatives: that one both "can" and "can refrain from" performing an action.

To recapitulate, if it is wrong for one to do something, then one ought not to do it (iv). If one ought not to do something, then one can refrain from doing it (iii). Therefore, if it is wrong for one to do something, then one can refrain from doing it (v). But "wrong" implies "can" as well (ii). So, there is a requirement of alternative possibilities for wrongness.

This conclusion very easily led me to hold that Jones 2 did no wrong because he lacked the necessary alternatives. Likewise, Bones 2 was not obligated to save the kid because she lacked the necessary alternatives. It is generally accepted that there are three primary morally deontic normative statuses of action: either an act is right (permissible), wrong (impermissible), or obligatory (required). An amoral act does not have any of

these primary morally deontic statuses; it is not right, wrong, or obligatory. Without the required alternatives, Jones 2's action is amoral. Further, it seems morality's demands are empty if one is required to do something one cannot do (e.g. refrain from killing Bill).

Now it seems that my opponent is faced with a dilemma. If my opponent rejects the conclusion that Jones 2 did no wrong in killing Bill the Banker, then she has two options in moving forward: 1) either reject "ought not" is equivalent to "wrong", or 2) reject "ought" implies "can." It is hard to see why one would reject "ought" implies "can" without strong, independent motivation for doing so. So that principle presumably stands, leaving one with the second option. But this is a straightforward equivalence principle that seems, if anything, on stronger footing. Therefore, it seems that this second objection is rooted in a clash between intuitions concerning wrongness and these two principles. I propose that we accept these powerful principles, and so reject this intuition, if one has it, that Jones 2 does wrong in killing Bill.

### **3.5 Chapter Conclusion**

In this chapter, I have shown that in Frankfurt scenarios, whether or not it is wrong for Jones to "Kill Bill" (or for Bones to save the kid) is a matter of luck—something that is not in Jones' or Bones' control. The argument hinged on the view that whether or not Jones has alternatives turned out to be something that is not in his control. It is not in Jones' control that Black is on the scene; nor is it in Jones' control to get Black to do certain things or to prevent Black from doing these things. In the next chapter, I will exploit this last point to show that absent Frankfurt interveners, such as Black (and Jack), whether or not we have alternatives is often a matter of luck. It will follow that whether

or not we end up doing something that it is right, wrong, or obligatory for us to do is also often a matter of luck.



## Chapter Four: Luck

### 4.1 Types of Luck

Luck means different things to different people. You might think it was a lucky streak when you won the jackpot at the slot machine several times in a row, or it was Crosby's lucky shot that propelled Canada to a gold medal win at the 2010 Olympic Winter Games, or it was lucky that you found a one hundred dollar bill in the middle of the park on an evening stroll. Yet as I have earlier indicated, such cases do not display the sort of luck of interest concerning obligation. Instead, my project is concerned with moral luck. "Moral luck," a term coined by Bernard Williams, roughly refers to luck having to do with factors beyond one's control.<sup>19</sup> Such factors can impact obligation in various ways.

We are familiar, for example, with factors that are beyond our control and that influence the results of our actions. Call the sort of luck concerning results "resultant luck". Suppose that Lulu fires a gun, but fails to hit her intended victim because the bullet's pathway is blocked by a speeding truck or a swooping bird. It is a matter of luck that the truck blocked the bullet's path which, in turn, makes it a matter of luck that Lulu does no wrong in failing to murder the intended victim. (Of course, her decision and attempt may well be wrong.)

A second type of luck, "situational" or "circumstantial" luck, involves luck with respect to the circumstances we find ourselves in when performing an action or making decisions. This sort of luck has to do with our "external" situation. One of the best-known

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<sup>19</sup> See Williams (1981).

cases which exemplify the degree to which surroundings of the moral agent are subject to luck is Thomas Nagel's example involving Nazi followers and supporters in Hitler's Germany (Nagel 1979, p. 34). Consider Luther, a Nazi supporter, who committed many morally reprehensible deeds and did not make enough of an effort to prevent them. Luther is worthy of moral blame for his actions. But it is matter of luck that Luther finds himself in the middle of Hitler's Germany in 1929, and if he were, say, to have moved to Chile it is plausible that he would have led a completely different life had it not been for the Nazi pressures at home. Thus, what circumstances we, like Luther, find ourselves in is frequently a matter of luck.

A third type of luck—"constitutive luck"—involves luck with respect to being the kind of person one is; it has to do with our "internal" situation. It may be thought of as a variation of circumstantial luck where the circumstances are "internal." Many factors beyond our control play a role in determining who we are: our temperament, capacities, desires, beliefs, inclinations, and so forth. Jan might be the type of person who can refrain from murder due to her innate disposition to be peaceful and this feature may be attributed to an external factor like her stable, and serene upbringing. But the way in which Jan was raised is something over which she had very little or no control, and the way in which she reacted to certain situations, suggestions, recommendations, and so forth as she grew up can also be a matter of luck.

These are a few of the recognizable ways in which luck intervenes in our lives. In the next section, I present a series of cases to show that moral obligation is subject to luck. This claim is especially apparent when focusing on the constitutive luck category.

The cases will support my conclusion that factors beyond our control can “change” the moral status of an action from, for example, obligatory to amoral.

My approach is to advance a series of cases which suggest that without alternative possibilities, an action cannot be obligatory. I am not providing a knockdown argument for this view. Rather, I offer a variety of plausible cases to persuade the reader that my view is reasonable. The cases also bring out vividly how obligation is subject to luck. Let us turn to the first case.

#### **4.2 Case 1: Flaming Ash**

Following the Frankfurt-type model in which cases unfold in two stages, let us first suppose that a mother saves her child from a burning minivan with little risk to her own safety, thus sparing the child’s life.<sup>20</sup> It would quite generally be agreed that this mother is praiseworthy for saving her child and very clearly carried out her obligation to save her child. The mother could have done otherwise: she could have waited for fire crews to arrive on the scene and save her child, or she could have allowed a passerby to intervene, or she simply could have refrained from pulling her child away from harm. Given that the mother could have done other than she did (saving her child), let us suppose that she was obligated to save her child. Notice that the requirement that *obligation requires alternative possibilities* is satisfied.

If the mother did not deliberate about or decide to save her child it might be that she did not have alternatives or could not have done otherwise. We can tell a plausible

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<sup>20</sup> For more on this type of case see Wolf 1990, pp. 54, 58-61, 68-69, 80, 81, 84, 88-89, 97-116.

story in which the mother did not have alternative possibilities, and, therefore, was not obligated to save her child. This would correspond to Stage 2 of a Frankfurt case. Consider one such story.

Suppose there is a mother, call her “Ash,” who saves her child from a flaming minivan just like the mother in the first stage. Imagine there is a local news crew on the scene to interview Ash. A reporter asks why she saved the child. Ash is utterly baffled by this question and responds: “That’s *my child*. I didn’t even think about it, I just acted and saved her from those flames. It’s simple really.” But the psychological history of Ash is characterized by a traumatic childhood experience in which a dear friend was involved in a car accident and severely burned. The friend experienced agonizing and constant pain for the rest of his life. This experience so affected Ash that she was moved to do anything she could to minimize and prevent the pain of others. Ash studied to become a nurse in the burn victim unit. Now when Ash was faced with a situation in which her own child was trapped in a burning minivan, she acted swiftly, and saved the child from harm. I think that in this second stage, it is reasonable to think that given Ash’s psychological history—numerous events in which were beyond her control—she had no alternative *but* to save the child. As I argued in Chapter 3, the interesting result is this: without alternatives Ash was not obligated to save her own child. So, in virtue of not being able to otherwise, Ash’s act of saving the child would not be obligatory for her. Furthermore, it would be a matter of luck that Ash could not do otherwise.

Notice that we have the following result: With the first mother, it is obligatory for this mother to save her child. With Ash, however, it is not obligatory for her to save her child, and this simply because luck precluded her from having alternatives.

### 4.3 Case 2: Kantian Kid

Another case might unfold in this way: when the time of year to file his taxes arrives, Ott files on time, and strictly in accordance with the rules and laws governing personal income tax returns. He does not lie or cheat his way to paying less for the year. We might be inclined to say that he fulfilled his obligation to pay his taxes, and he may even be deserving of praise for his action.

Now consider the second stage in which factors beyond Ott's control render it plausible that he is unable to lie or cheat on his taxes. In this stage, Ott is a morally upstanding man who had a fundamentalist religious upbringing—he was raised by committed Kantian parents. Childhood was characterized by strictly adhering to the beliefs, rituals, and codes of conduct prescribed by Immanuel Kant's philosophical work. As a child he was strongly encouraged to follow Kant's *Categorical Imperative*: "Act only in accordance with that maxim through which you can at the same time will that it become a universal law." (Kant 1785 (1997), p. 31) Ott was strongly influenced to believe that Kant's imperative was the one and only rule to abide by, and so leads his life in a way that reflects this deep-rooted belief. When tax season arrives, Ott files on time, strictly abiding by the rules and laws related to personal income tax. Ott does not lie. He considers whether lying or cheating on one's taxes could be universalized in accord with the dictates of Kant's Categorical Imperative. He concludes that cheating on his taxes is not an action he could perform solely in virtue of being inclined to perform actions strictly in accordance with the Categorical Imperative. Notice that the way in which one is raised is something largely beyond one's control. In this case, Ott was raised by Kantian parents. It seems very reasonable, indeed obvious, that one does not have any

control over who one's parents are—one of life's many features that are beyond our control. Likewise, practices in his early formative years that Ott was instructed to respect and follow are factors beyond his control. Ott's parents read Kant's *Groundwork for the Metaphysics of Morals* each night as a bedtime story; sent Ott to a school with a strong emphasis on Kantian curriculum; had family outings that involved attending Kantian colloquiums and so forth. It seems reasonable that Ott's childhood rearing involved many factors beyond his control, and as a result we can plausibly conclude that he had no alternative *but* to refrain from cheating on his taxes. Given his upbringing, he had become the Kantian type who simply could not cheat. Without alternatives, Ott was not obligated to refrain from cheating.

Once again, we have an interesting result. An act that would have been obligatory for Ott (his not cheating on his taxes), is not obligatory for him owing to luck. Luck affects moral obligation.

Perhaps a salient feature in Ott's story—how we are raised—is better understood in terms of a deprived upbringing. Let's consider the foil of Ott's scenario.

#### **4.4 Case 3: Robert Harris**

An instructive real life case is that of Robert Alton Harris. Harris was an American criminal executed at San Quentin State Prison in California in 1992—the state's first execution in 25 years. He was sentenced to death for the 1978 murders of two sixteen-year-old boys, John Mayeski and Michael Baker. The gruesome tale is recounted

as follows (Corwin 1982):<sup>21</sup> On July 5, 1978 two 16-year-old boys, John Mayeski and Michael Baker, had just bought lunch from a fast-food drive-through restaurant in northern San Diego. The boys were sitting in the restaurant parking lot eating lunch. Mayeski and Baker were high school sophomores, lived on the same street, and were best friends. They were on their way to a nearby lake for a day of fishing to celebrate Mayeski's getting his driver's licence—that day was only the third time Mayeski's father had let him take the family car on his own.

Robert Harris, 25, and his brother Daniel, 18, were also in the restaurant parking lot. They were planning to carry out a bank robbery, but did not want to use their own vehicle. Harris was attempting to hotwire a car for use in the heist. Unsuccessful, Harris spotted Mayeski and Baker across the lot. He pointed to the boys and decided their car was the one they would use. Walking over to the boys, Harris crawled into the back seat, pointed a stolen 9 millimetre Luger at Mayeski and ordered him to drive. Daniel followed in the Harris' car.

Harris led the boys to an area on the outskirts of town near the local reservoir. He informed the boys that he planned to use their car for a bank robbery, and assured them that he would not do them harm. Harris' brother Daniel indicated that Robert asked him to bring over the rifle from their vehicle. Daniel did as he was told, and when he caught up to the others he said:

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<sup>21</sup> See also Watson 2004.

Robert was telling them about the bank robbery we were going to do. He was telling them that he would leave them some money in the car and all, for us using it. Both of them said that they would wait on top of this little hill until we were gone, and then walk into town and report the car stolen. Robert Harris agreed... [Baker] turned and went through some bushes, [Mayeski] said 'Good luck,' and turned to leave. (Corwin 1982, p. 3)

The boys were deceived. Having turned their backs to walk away and wait as per the agreement, Robert Harris raised the Luger and shot Mayeski in the back. Baker made a run for it, but Harris chased him and shot him four times. Baker had met his end. Harris made his way back to Daniel. Mayeski, slumped on the ground, was still alive. Robert Harris walked over to Mayeski, put the Luger to the boy's head, and fired point-blank. Having witnessed both boys murdered at the hands of Robert Harris, Daniel said, "God, everything started to spin... It was like slow motion. I saw the gun, and then his head exploded like a balloon...I just started running and running. But I heard Robert and turned around... He was swinging the rifle and pistol in the air and laughing. God, that laugh made blood and bone freeze in me." (Corwin 1982, p. 3)

The Harris brothers drove the two vehicles from the reservoir to a friend's house. Robert Harris carried the guns and what was left from the boys' fast-food lunches inside. Harris began to eat one of the hamburgers and then offered Daniel some, but Daniel was overcome with nausea and ran to the bathroom. Harris laughed and ridiculed Daniel. His light-hearted mood was unnerving. Harris still planned to go ahead with the bank robbery. When they pulled up in front of the bank Daniel attempted to run away, but Harris threatened to kill him if he did not do his part. Before going into the San Diego Trust & Savings, Robert Harris noticed there were remnants of flesh and blood on the



barrel of the Luger from when he shot Mayeski. He said, “I really blew that guy’s brain out.” Again, he started laughing.

The brothers managed to rob the bank of three thousand and nine dollars. An astute bystander witnessed the Harris’ getaway and followed them to their address. He then reported their whereabouts to police.

The conclusion of this series of unfortunate events was a harsh one for Harris: the death penalty. For many, Harris’ actions are puzzling. The fact that a man could kill two innocent youths, laugh about their deaths, and then eat their remaining lunch is beyond comprehension. How could a man become so devoid of compassion, so devoid of conscience and be able to perpetrate such foul actions? Details of Robert Harris’ upbringing reflect a life marked by violence. One of his sisters, Barbara Harris, provided an insightful interview regarding Harris and his childhood upbringing. She recounted that “it was a long and ugly journey before he reached that point” (Corwin 1982, p. 29).

Robert Alton Harris’ entire life was dominated by incessant cruelty and profound suffering—both experienced and provoked. As Corwin puts it: “violence presaged his birth, and a violent act is expected to end his life” (Corwin 1982, p. 29). Harris was born on January 15, 1953; just a few hours after his mother had been kicked in the stomach by her insanely jealous and drunk husband who accused her of infidelity. Harris’ mother began haemorrhaging, and was rushed to hospital. Robert was just six and a half months old; he had to be kept in an incubator for several months after his birth.

The Harris children experienced extremely disturbing childhoods. Their mother and father were both alcoholics. The father frequently beat his children and was twice

convicted of sexually molesting his daughters. But even in the Harris household, the abuse Robert was subjected to was unusually cruel.

Robert's father continued verbally and physically to abuse his wife after she brought Harris home from hospital. Even when Harris' father saw his son for the first time, his first response was "who is the father of that bastard?" (Corwin 1982, p. 30) Harris' mother felt like she was taking home a stranger. She felt guilty that she was never able to love him and even felt partly responsible that he ended up on Death Row. But the "pain and permanent injury Robert's mother suffered as result of the birth...and the constant abuse she was subjected to by her husband, turned her against her son. Money was tight, she was overworked and he was her fifth child in just a few years. She began to blame all of her problems on Robert, and she grew to hate the child" (Corwin 1982, p. 30). Robert became the person on whom his mother could vent all of her anger, since she felt helpless in her own situation.

Robert Harris had a learning disability, as well as a speech problem, but money was tight in the Harris household and there was no extra cash for therapy. Harris was teased at school, and abused at home. There was no escape. His sister Barbara recounted:

He was the most beautiful of all my mother's children; he was an angel... he would just break your heart. He wanted love so bad he would beg for any kind of physical contact... he'd come up to my mother and just try to rub his little hands on her leg or her arm. He just never got touched at all. She'd just push him away or kick him. One time she bloodied his nose when he was trying to get close to her... One killer out of nine kids...the sad thing is he was the most sensitive of all of us. When he was 10 and we all saw "Bambi," he cried and cried when Bambi's mother was shot. Everything was pretty to him as a child, he loved animals. But all that changed; it all changed so much. (Corwin 1982, p. 30)

All nine of the Harris children were psychologically crippled because of their father, but in Robert's case the abuse started so early and lasted so long. He did not have much of a chance to recover from the abuse and lead a normal life. The murders on July 5, 1978 were not the first events to land Robert Harris behind bars. When he was fourteen he stole a car, was sentenced to a youth detention center, and experienced the vile realities of jail life. Harris was raped more than once, attempted suicide twice, tried to escape, and violated his parole. Harris learned to fight and be mean. By the time he was released he was nineteen years old and it was obvious that by this point, Harris needed psychiatric help.

Harris took the frustrations of his life out on animals. He abused them—torturing them with broom handles, pellet guns and darts. He killed cats and dogs, and even stabbed a prize pig one thousand times (Corwin 1982, p. 30). After Harris had killed Mayeski and Baker, he was interviewed by a psychiatrist who gave Harris a series of psychological tests. He concluded that Harris had a sociopathic or psychopathic personality. More specifically, the psychiatrist noted that Harris lacked remorse—a key psychopathic characteristic. Yet when Harris was tested at State Prison, prison psychologists determined he had no serious psychological problems.

Without a psychopathic defence, the prosecution at Robert Harris' trial had little trouble presenting a powerful case for the death penalty. On the morning of April 21, 1992 Robert Harris was executed for the murders of John Mayeski and Michael Baker. One of his sisters said that had she not known about the intimate details of her brother's past, she would have fully supported his execution (Corwin 1985, p. 30). Harris made just

one request of his family: that he receive a dignified and serene funeral service after his death—a striking contrast to his life.

I noted that germane factors pertaining to Ash's psychological history and to Ott's childhood upbringing were factors beyond each agent's control; they were matters of luck. It seems plausible upon appreciating the details of Robert Harris' psychological history and his childhood upbringing that pertinent factors concerning these things were likewise factors beyond his control. It was a matter of luck that Harris was born into a family in which members were regularly abused. It was a matter of luck that his childhood upbringing shaped him into the criminal he became. Given that these factors were beyond his control, one might be tempted to suppose that Robert Harris had no alternative *but* to do as he did on various occasions. This conclusion would understandably be unsettling for many readers. It would be so because of a general uneasiness with the following: First, without alternatives Robert Harris (on the pertinent occasions) did no wrong. Second, if he did no wrong, he was not, for example, blameworthy for the murders of those two innocent teenagers. But the uneasiness, based on these two considerations, is misplaced. Robert Harris can be blameworthy for the murders, without having done wrong. Recall the principle that blameworthiness-requires-wrongness: an agent is morally blameworthy for performing an action only if it is morally wrong for her to perform this action. I argued against this principle in first chapter.

Further, such a principle is concerned with evaluations of *responsibility*, and my claim that Harris did no wrong concerns evaluations of the *deontic* variety. It is consistent to suppose that Harris is blameworthy for many of his deeds, but these were not impermissible for him because he could not have refrained from performing them. Again,

it is a matter of luck that he could not have refrained from performing them; so, it is a matter of luck that his relevant acts turn out not to be impermissible for him.

#### **4.5 Case 4: Jazz Hands**

I now present a final case to show that obligation is indeed subject to luck. In the case of Ash and Ott, external circumstances beyond their control played a strong role in shaping each response to particular circumstances—circumstances involving flames with the former and involving cheating with the latter. In *Jazz Hands*, luck intervenes in a way that is internal to the agent.

Suppose Stage 1 Jazz has very refined taste in music. A music connoisseur, she heads to the local shop to peruse the latest vinyl releases. While at the shop a masked thief takes the shop owner hostage, points his revolver at the owner's temple, and demands one hundred dollars in cash for his release. Jazz grips the single hundred dollar bill in her pocket gifted to her by her grandparents on her recent birthday, holds it up in the air and calls out to the thief: "Here is the money you want! Take it and go!" The thief dashes out of the shop, having snatched the cash from Jazz's hands. Now Jazz could have waited to see if any of the other shop patrons were going to offer up their own cash, or she could have waited to see if the thief really was going to blow the shop owner's brains out, or she could have continued perusing the records nearby. Jazz had all these alternatives, and so it appears that nothing stands in the way of plausibly supposing that she was obligated to do what she could to spare the shop owner's life.

Now suppose Stage 2 unfolds in this way: Jazz is a music connoisseur. She heads to the local shop to check out the latest vinyl releases to add to her collection. A masked

thief enters the shop, takes the shop owner hostage, and demands one hundred dollars in cash for his release. Jazz's trip to the shop was motivated by her desire to spend the recent gift of a hundred dollars she received from her grandparents for her birthday. Jazz grips the bill in her pocket. She notices that currently playing in the shop is *In My Life* by the Beatles—one of her favourite songs. Hearing this song relaxes Jazz. As the other shop patrons panic, Jazz casually takes the one hundred dollar bill out of her pocket, holds it in the air and coolly utters "Here is the money you want. Take it and go." The masked thief snatches the cash and darts out of the shop. Suppose that certain music affects Jazz's mental state in the following way. When she listens to melodies by the Beatles, her internal temperament is affected in such a way that she finds herself in a highly relaxed state. It was purely a matter of luck that a song by the Beatles was playing in the shop at the time the thief took the owner hostage. Further, Jazz has little if no control over her brain responses to hearing the tune. Listening to the Beatles soothes her to such a degree that upon being faced with a terrorizing situation, she cannot but do as she does.<sup>22</sup> Her response is a matter of luck because not everyone is so moved by the music of the Beatles. Therefore, it is plausible—certainly possible—that in Stage 2, Jazz had no alternative *but* to hand over the one hundred dollar bill to spare the owner's life. Without alternatives, Jazz was not obligated to act in the way she did to save the owner from being harmed.

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<sup>22</sup> I acknowledge that this assertion may be met with much dispute. But to make it somewhat more plausible, perhaps entertain the possibility that some mutation in a cluster of relevant genes ensures that she reacts in the way in which she does when she catches a song by the Beatles.

#### **4.6 Chapter Conclusion**

This chapter has been devoted to advancing a series of cases which follow the Frankfurt-type framework. The cases show that without alternative possibilities, one cannot be obligated to perform an action. Whether or not it is obligatory for Ash, Ott, or Jazz to perform an action in their respective situations is a matter of luck, just like it was a matter of luck for something to be wrong for Jones (in Chapter 3) in his Frankfurt situation. Luck frequently does have a powerful effect on the status of actions—on whether we do something right, wrong, or obligatory.

## Chapter Five: Conclusion

### 5.1 Thesis Conclusion

The introductory chapter (**Chapter 1**) involved laying out a series of definitions and distinctions concerning free will, alternatives, various types of moral evaluation, and the necessary conditions for moral responsibility. The distinctions set the stage for my argument (**Chapter 2**) that Kant's Law—"ought" implies "can"—is the control condition pertinent to morally deontic evaluations of right, wrong, and obligation.

I argued that just as there is control condition required for one to be morally responsible, so too there is a control condition at issue regarding morally deontic judgements. My view, roughly, ran as follows: Kant's Law says that if one morally ought to do something, then one can do it; and if one morally ought not to do something, then one can refrain from doing it. But exercising such control requires alternatives. So performing an action that is right, wrong, or obligatory requires that an agent have alternatives, namely that the agent both can and can refrain from performing an action. I argued that just as "ought" implies "can", so too does "wrong" by appealing to two principles: first, "ought" implies "can", and second, that it is obligatory to perform an action if and only if it is wrong not to do it (in other words, "wrong" is equivalent to "ought not"). So, if it is obligatory for you to refrain from performing an action, *A*, then it is wrong for you to *A*. If it is wrong for you to *A*, then you can do *A* (since "wrong" implies "can"—an analogue of Kant's Law). Therefore, if you are obligated to refrain from *A*-ing then you can do *A*. To further support the view that both Kant's Law and "wrong" implies "can" is persuasive, I presented the Symmetry Argument—the view that the type of control one requires in order to be responsible when performing an action is



*symmetrical*. To defend the symmetry view regarding moral responsibility (that is, one requires the same type of control to be praiseworthy as one does to be blameworthy), I invoked Frankfurt-Type cases. I contend that there seems to be nothing barring us from accepting the view that such symmetry is also characteristic of deontic judgements. Of course, this symmetry view has its opponents. I addressed one major objection to the symmetry view motivated by Nelkin (2011): the Asymmetry Argument.

Nelkin argued that praiseworthiness and blameworthiness are asymmetrical with respect to the type of control an agent requires in order to be worthy of praise or blame. I rejected the first premise of Nelkin's argument: the principle that blameworthiness-requires-wrongness (BW) which states that *if an agent is blameworthy for performing an action, then it is impermissible for that agent to perform that action*. By presenting cases of the suberogatory and moral luck I demonstrated that there is good reason to think that (BW) is false. Since Nelkin's Asymmetry view relies on this faulty principle, there is also good reason to reject this view.

The contention that right, wrong, and obligation require alternative possibilities raises interesting questions about whether Frankfurt-type examples can indeed be used to support the symmetry view. By offering a more detailed analysis of Frankfurt-type examples (**Chapter 3**), a further criticism against (BW) emerged. It turned out that an agent, such as Stage 2 Jones, who performs an action with someone like Black (the counterfactual intervener) on the scene does not have alternatives. Without alternatives Jones does not perform a wrong action, yet Jones can be judged as blameworthy. As a result, Frankfurt-type examples (while controversial) provide further reason to reject (BW). Introducing considerations of luck and Frankfurt-type cases set the groundwork

for the final content of the thesis. I sought to point out that there are many factors beyond Jones' control which impact whether his action is wrong (or right or obligatory). For example, it is beyond Jones' control whether Black is on the scene; whether Jones has alternative possibilities; and whether Jones' action turns out to be moral or amoral. Luck can, and does, impact deontic judgments in significant ways.

To examine the extent to which luck influences moral obligation, I put forward a series of (what I took to be) plausible cases (**Chapter 4**). In each of these cases, factors beyond our control—matters of luck—can (and do) intervene in our lives. This, in turn, often renders it true that many things we might take to be obligatory for us in fact turn out not to be so. Moral obligation is subject to luck in a way that is distinct from the way luck impacts moral responsibility (e.g. whereas one can be morally responsible despite being unable to refrain from performing an action, one cannot be obligated to perform an action that one cannot refrain from doing). The cases of Ash, Ott, Harris, and Jazz provide illustrations of the many ways in which luck can so affect us as agents that we literally cannot do otherwise—thereby eradicating alternatives. Factors beyond our control—many of our experiences, many parts of our upbringing, and perhaps even many of our brain responses to various stimuli—shape who we are, and can both affect and, more importantly, eliminate the alternatives we have available to us when performing an action. Just like Stage 2 Jones (who acts in the company of Black) lacks alternatives, we too often perform actions (in the company of luck, so to speak) without having alternatives.

It is my hope that this thesis brings into sharper focus a way in which luck affects moral obligation.

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