Why the Luck Problem Isn't
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Libertarianism about free will is the view that we at least sometimes have free will, where free will is understood in a way that requires non-deterministic decisions or action production. Arguably the foremost complaint about this view is something often called The Luck Problem, i.e., that libertarianism's requirement of indeterminism brings with it an unacceptable and ineradicable degree of luck in what the agent does. There are different ways of characterizing the problem with luck. Among the most important of these characterizations is the idea that luck seems to undermine the responsibility of luck-affected agents. If luck undermines responsibility, and libertarianism requires luck-generating indeterminism, then The Luck Problem is a deep problem for libertarianism.

My aim here is to argue that (I) The Luck Problem objection is either no problem at all, or it is a much deeper problem than it is usually thought to be, and (2) there is good reason to think that The Luck Problem objection can be satisfactorily addressed, at least by the lights of many of the interested parties.

I. The Luck Problem
The Luck Problem has existed in one form or another since David Hume, at least. It is perhaps as old as Stoic objections to the Epicurean swerve. Although the general issue admits of different formulations with subtly different emphases, the characterization of it that will serve as my target focuses on "cross-worlds" luck, a kind of luck that arises when the decision-making of agents is indeterministic.

Consider an agent—let us call him Al—with the ordinary set of capacities we associate with typical,

adult human agents. Let us suppose that Al, through some indeterministic process at the moment of decision elects to perform action A, and subsequently performs it. (Imagine that Al satisfies whatever version of libertarianism you find least objectionable.) Now, however, consider what happens in the non-actualized worlds that shared the relevant history up until Al settled on doing A.[1] In one of those worlds, Al (or, if you like, Al*) does action B. Let us suppose that both actions A & B were undertaken intentionally, the outcomes anticipated and non-accidental, and each choice was rational and viewed as such by the agent. But let us suppose that action B is blameworthy and that A is not. (Perhaps A is morally neutral or perhaps it is praiseworthy.) Here, it seems to be a matter of luck that Al is not rightly subject to blame but that Al* is rightly subject to blame. There is nothing in the example to explain why Al* ended up doing B rather than A, and why Al ended up doing A rather than B. What makes such luck problematic is that even though there is nothing to explain why Al and Al* did what they did and not some other thing, Al and Al* are subject to very different reactions and moral evaluations. This difference in outcome, a difference for which there is no explanation, makes our assessments of responsibility in the indeterministic case seem capricious or arbitrary.

With few exceptions this concern arises for nearly any libertarian account.[2] Since libertarianism requires indeterminism, and indeterminism seems to generate an objectionable capriciousness in what moral reactions are licensed, The Luck Problem expresses one of the most important and foundational difficulties faced by libertarianism.

In what follows, consider the position of contemporary compatibilists with respect to the Luck

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[1] For present purposes, nothing in my discussion depends on whether we imagine a single agent with multiple accessible worlds that we compare, or whether we imagine two duplicates each with identical indeterministic capacities and contexts.
2 For a recent account of how libertarianism might be rendered comparatively immune to luck worries, different than the approach I recommend I will go on to develop here, see Alfred Mele, *Free Will and Luck* (Oxford: New York, 2006).

Problem. In the sections that follow, I extend those remarks to incompatibilist contexts, and go on to offer a new incompatibilist-friendly framework for thinking about when luck does and does not undermine responsibility.

2. Compatibilism and the Luck Problem

Let's start with some compatibilist basics about the role of the Luck Problem. Some compatibilists (and their agnostic but sympathetic brethren) have sometimes run a version of The Luck Problem against libertarians.[3] I have already noted that contemporary compatibilists usually embrace a kind of "supercompatibilism," holding that freedom and responsibility are compatible with both determinism and indeterminism.[4] For such supercompatibilists, there is something at least prima facie dubious about employing The Luck Problem against libertarians. After all, on supercompatibilist accounts the matter of indeterminism is supposed to be largely irrelevant for moral responsibility.

According to typical contemporary versions of compatibilism, if indeterminism does matter, it only matters indirectly. On such accounts, it is widely assumed that mental states or capacities appealed to by ordinary compatibilist accounts are ubiquitously present. The significance of deterministic or indeterministic causation arises only when it disrupts the relationship of those mental states that produce

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3 For example, Robert Kane has cited the following compatibilists or agnostics as running some version of The Luck Problem against his view: Alfred Mele, "Review of the Significance of Free Will," *The Journal of Philosophy* 95, no. 11 (1998): 581-84; Bernard Berofsky, "Ultimate Responsibility in a Deterministic World," *Philosophy and Phenomenological Research* LX, no. 1 (2000): 135-40; Ishtiyaque Haji, "Indeterminism and Frankfurt-Type Examples," Philosophical Explorations 2, no. 1 (1999): 42-58. See Robert Kane, "Responsibility, Luck, and Chance: Reflections on Free Will and Indeterminism," *Journal of Philosophy* XCVI, no. 5 (1999): 217-40.

4 Throughout this essay, subsequent usage of 'compatibilism' should be explicitly understood as referring to contemporary compatibilists, the vast majority of whom are the "super" variety.

freedom and responsibility.[5] Whatever indeterminism's real world effects amount to, so long as they don't

disrupt the responsibility-producing powers (typically, some variant of the ability to act for reasons, from

values, or from motives with which one endorses), indeterminism is not a problem.

To my mind, the considered position of most contemporary compatibilists ought to be one that does

not deploy The Luck Problem objection.[6] After all, it would be an inelegant piece of self-sabotage to argue

for compatibility with determinism and indeterminism, while also arguing that indeterminism (which could

be widespread) has some general freedom- and/or responsibility-undermining feature.

These thoughts get us to an initial idea. The idea is this: if there are genuinely adequate compatibilist

accounts of free will then there is a sense in which The Luck Problem is a non-starter. That is, by

definition, an adequate compatibilism of the contemporary variety would offer conditions on responsibility

that can obtain even under indeterministic conditions.[7] So, at least for the antecedently convinced

compatibilist of the contemporary sort, The Luck Problem objection should be regarded as, at best,

highlighting an ersatz problem whose grip on us depends on a failure to appreciate the proper conditions

of responsibility.

One could think that the preceding overstates the case, for it is surely open to the contented

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5 Depending on how one fixes terms, one can be a compatibilist about determinism and not about free will, and vice-versa. For
my purposes, however, I will treat free will as the distinctive agential feature characteristic of moral responsibility; so, free will is
required for moral responsibility, and if one is a compatibilist about free will, then one is a compatibilist about moral
responsibility. This is not meant to be a substantive assumption, for the arguments should go through even if one de-coupled
one's view about free will from one's view about moral responsibility. However, for ease of exposition I will take responsibility
to be central to both compatibilism and The Luck Problem.

6 A number of philosophers have recently noted this. See, for example, Neil Levy, "Luck and Free Will," in *New Waves in
Philosophy of Action*, ed. Jesús Aguilar, et al. (New York: Palgrave Macmillan, 2011); the last chapter of Kevin Timpe, *Free Will:
Sourcehood and Its Alternatives*, 2nd ed. (New York: Continuum, 2012); Dan Speak, "Libertarianism, Luck, and Gift," (unpublished
manuscript). See also Manuel Vargas, "Taking the Highway on Luck, Skepticism, and the Value of Responsibility," *Journal of
Moral Philosophy* 6, no. 2 (2009), p. 257.

7 It is consistent with this claim that one might show that indeterminism diminishes responsibility, perhaps by diminishing the
intensity or frequency with which blame is rightly attributed to agents. But if the theory is an adequate compatibilist account of
the current sort, such diminution of responsibility cannot be total.

compatibilist, one happy with his or her account of free will, to reflect on the prospects of libertarian accounts of free will and how it might fare in replying to The Luck Problem objection.[8] Fair enough. Notice, though, that this is just to say that, by the compatibilist's lights, if one fails to accept the correct view of the free will problem, then one must deal with The Luck Problem objection. So, it seems to me, that an antecedently committed compatibilist ought not regard The Luck Problem objection as raising any genuine (in this case, non-conditional) challenge to an adequate account of free will and moral responsibility.[9]

To the extent to which contemporary supercompatibilist accounts have independent plausibility, these accounts provide a freestanding warrant for discounting the conclusion of The Luck Problem. That is, to the extent that one has a persuasive account of responsibility, an account on which those conditions are compatible with both indeterministic and deterministic forms of agency, then one has an independent warrant for thinking that the Luck Problem cannot express a genuine problem for the correct account of responsibility.

At this point, one might object that The Luck Problem objection is so persuasive in its own terms that it ought to undo confidence in one's positive compatibilist account. But this seems unlikely, both as a point about the psychology of regard for one's favored positive account of some subject matter (free will, moral responsibility), but also as a point about the dialectic of reflective equilibrium. The compatibilist has

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[8] Michael McKenna suggested this objection.
[9] It partly depends on how one understands a variety of background notions and the relationship to self-described compatibilist accounts. For example, matters are more complicated if has the view that a compatibilist account may capture conditions sufficient for free will and moral responsibility, but that there are alternative forms of control or agency, separate from free will and moral responsibility, that require indeterminism. On this view of things, The Luck Problem objection raises an interesting issue for those forms of agency, whatever they are, that are beyond what is strictly required for free will and moral responsibility. I'm setting aside this possible gloss on The Luck Problem. Later, though, and importantly related idea will take center stage, i.e. the notion that there are "deeper" or "enhanced" forms of free will and responsibility.

independent motivations for his or her favored theory. Given those resources, the force of The Luck Problem is primarily the force of a puzzle or an explanatory challenge, and not a *prima facie* counterexample to the underlying principles or presumed motivations of compatibilism.[10] Indeed, we should expect that the typical contemporary compatibilist will appeal to his or her independently motivated compatibilist account to explain why Al and Al* are each responsible for their respective actions.

Of course, the libertarian will typically find these explanations unsatisfying. However, the important point here is *why* these explanations seem unsatisfying. In the typical case, libertarian dissatisfaction seems to have less to do with the particular merits of the compatibilist's particular explanation under the presumption that compatibilism is true. Instead, the libertarian typically objects to the commitment to compatibilism as a solution to the familiar philosophical worries about moral responsibility.[11]

3. The Luck Problem Dilemma

This state of affairs—one in which libertarianism is faced with a Luck Problem objection and one in which prescriptive compatibilists think they can address worries grounded in indeterminism-rooted worries about luck—leaves us with something we can call The Luck Problem Dilemma. Here's the dilemma: either The

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[10] Related remarks are in order for responsibility nihilism more generally. Throughout, I will assume that responsibility nihilism—the claim that no one is ever responsible—is independently less plausible than the view that we have responsibility (whether this is understood in libertarian or compatibilist terms). In the context of The Luck Problem objection, this may seem a particularly strange presumption. After all, one might be a responsibility nihilist because of The Luck Problem. Nevertheless, I'm treating responsibility nihilism as independently less plausible than "responsibility-ism" for both practical and philosophical purposes. For a not-exhaustive assortment of recent approaches that attack the plausibility of responsibility nihilism, see Randolph Clarke, "On an Argument for the Impossibility of Moral Responsibility," *Midwest Studies in Philosophy* 29 (2005): 13-24; John Martin Fischer, "Recent Work on Moral Responsibility," *Ethics* 110, no. 1 (1999): 93-139; Shaun Nichols, "After Incompatibilism: A Naturalistic Defense of the Reactive Attitudes," *Philosophical Perspectives* 21 (2007): 405-28; Vargas, Manuel. *Building Better Beings: A Theory of Moral Responsibility*. Oxford, UK: Oxford University Press, in press. Of course, adopting this position comes at a cost. For the antecedently convinced responsibility nihilist, nothing in the present approach provides a reason to overturn his or her convictions.

[11] Indeed, for all that has been written about The Luck Problem objection, I can't think of a case where a libertarian has complained about a compatibilist account on that ground.

Luck Problem objection should be regarded as an objection for even contemporary compatibilist accounts or we should regard contemporary compatibilist accounts as proof that luck is no problem for libertarians.

Why think we are faced with this dilemma?

Take the first horn: if The Luck Problem objection shows us that indeterminism is genuinely a problem for indeterministic agents, and if we suppose that we are indeterministic agents as libertarians insist (and that most compatibilists will allow that, for all we know, we could be), then the difficulty generated by indeterminism will be a problem whether or not compatibilism is true.

Evidence for the persistence of this problem for compatibilists can be seen—according to The Luck Problem Dilemma—in that the force of The Luck Problem objection can be shown prior to settling the compatibilism debate. If one accepts that The Luck Problem objection expresses a genuine problem for indeterministic agency, as we do for the purposes of this horn, then it seems that this problem will persist for indeterministic agents as such, regardless of one's commitments on the compatibility issue. There is no prima facie reason to think that compatibilists have special resources, unavailable to libertarians, for generating a reply. Thus, on this horn of The Luck Problem Dilemma, the contemporary compatibilist seems to be in the same boat as libertarians.

Notice that it does conventional compatibilists no good to reply that their accounts do not require indeterminism. Again, the bulk of conventional compatibilist accounts are intended to identify conditions that ubiquitously obtain, regardless of whether the larger causal structure of the world is generally deterministic or not. Precise details about the causal structure are usually thought of as an empirical matter, to be settled by colleagues outside of the philosophy department. So, for all we know, the world might well be indeterministic in just the way described by whichever maximally plausible libertarian theory it is that

you are imagining. Contemporary compatibilism, unlike classical compatibilism, is not supposed to hinge

on these matters. A consequence of this, though, is that compatibilists and incompatibilists seem to be in

same situation with respect to luck if we do discover we are indeterministic agents: if luck is genuinely

problematic, it is problematic for everyone, regardless of whether one's account explicitly requires

indeterminism.

It has been suggested to me that the contemporary supercompatibilist might hold that most

indeterminism as such is unproblematic, but that indeterminism of the sort invoked by libertarians is a

special case. I can imagine two ways this objection might go. On one way, something about indeterminism

of the libertarian-favored variety (or varieties) would trigger the luck objection, when other forms of

indeterminism would not. I agree that this is a possible view. Moreover, the heart of it is surely right:

supercompatibilists needn't hold that indeterminism is always unproblematic. For example: if forming an

intention indeterministically caused one to act contrary to the intention, this would be responsibility

undermining, presumably. But I take it that indeterminism of the sort invoked by libertarians isn't like that.

Or, more accurately, if compatibilists want to claim that it is responsibility disrupting in that way, then

there better be a principled explanation of how specifically that sort of indeterminism is responsibility-

disrupting in a way that other forms of indeterminism are not. And, at least as I read the literature, that's

not an argument that has been central to the discussion.

A different way the "libertarian indeterminism is especially problematic" objection might go turns on

the frequency of the involved indeterminism. One might object that libertarians build in more

indeterminism than compatibilists do, by requiring that (say) any instance of non-derivative free will or

moral responsibility has luck-generating indeterminism. While it may be true that libertarians require

indeterminism for the truth of ascriptions of responsibility and free will and compatibilists do not, the present horn of The Luck Problem Dilemma is not about the degree to which a theory requires indeterminism. Instead, it is a problem about what indeterminism would mean for any theory that permits it, were we to learn that indeterminism of the relevant sort actually obtains. Since compatibilists and libertarians both allow that the frequency of indeterminism is an empirical matter, and both approaches claim to be able to accommodate it, both face the problem of what to say when it does crop up.

Of course, a libertarian theory builds the problem into the statement of the theory. So, the proportion of luck-struck worlds where the conditions of responsibility would otherwise be satisfied is comparatively greater for libertarians than compatibilists. But the force of this horn of The Luck Problem Dilemma is just those worlds in which indeterminism exists in ways called for libertarians. If luck is problematic in those worlds (or, you might say, *this* world), it is problematic for everyone.

Now consider the second horn of The Luck Problem Dilemma. On this horn, we conclude that contemporary compatibilist accounts are proof that luck is no problem for libertarians. Here's the argument. First, to the extent to which prescriptively compatibilist accounts are warranted in dismissing the problem of luck, such accounts provide an independent warrant for skepticism that The Luck Problem expresses a genuine problem. This was the point of those considerations in the previous section: there might be a puzzle about how The Luck Problem is answered, but the presumption is that there is an answer. Here's the crucial second premise for why The Luck Problem is no problem for libertarians: if compatibilists have an adequate answer to The Luck Problem objection, then at least some libertarians will ordinarily be able to help themselves to that answer, whatever it is.

Let me explain. It is a familiar thought that many contemporary libertarian accounts are content to

accept standard compatibilist conditions on moral responsibility, with the proviso that indeterminism of

some or another sort is required for a more-than-superficial notion of free will and/or moral

responsibility.[12] Call such libertarians "piggy-backers." If one is a piggy-backer, then the piggy-backer

libertarian can deploy whatever compatibilist resources are sufficient for blocking The Luck Problem

objection.

Hence, The Luck Problem Dilemma: either The Luck Problem objection should be regarded as an

objection for even contemporary compatibilist accounts or we should regard contemporary compatibilist

accounts as proof that luck is no problem for (at least piggy-backer) libertarians.

4. On the plausibility of piggy-backers

I think we should take the second horn of The Luck Problem Dilemma. That is, I think we should

embrace an argument with the following structure: (A) compatibilists have good reason to think that their

accounts are not vulnerable to luck because such accounts provide an independent account of the grounds

of freedom, responsibility, and/or control (FRAC); (B) such accounts of FRAC are, at least in the

ordinary case,[13] compatible with either determinism or indeterminism; (C) such accounts thereby constitute

an explanation for why indeterminism does not necessarily generate FRAC-undermining luck: so long as

the relevant agential features obtain, the presence or absence of indeterminism is immaterial to whether

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[12] For example, Chris Franklin (a libertarian) explicit argues that event-causal libertarians "have a relatively easy task in constructing a coherent and empirically plausible theory of agency, since these theories seem to differ from compatibilist theories *only* in requiring that some of our actions are undetermined." See his Chris Franklin, "The Problem of Enhanced Control," *Australasian Journal of Philosophy* 89, no. 4 (2011), p. 688.

13 Reminder: a compatibilist need not hold that no sort of indeterminism would undermine FRAC; the point is that the relevant agential properties required for FRAC can obtain in both deterministic and indeterministic causal orders. So, the discovery that our agency operates in an indeterministic order is no problem so long as those features of agency identified with FRAC obtain in that order.

FRAC obtains; (D) piggy-backing libertarians need not reject the substantive details of compatibilist accounts of FRAC.[14]

There are various places one could resist this argument. First, one might reasonably wonder whether The Luck Problem-blocking properties of the compatibilist account of FRAC really carry through to any libertarian's proposed appropriation of those elements of responsible agency. After all, at least the traditional libertarian precisely denies that those features of agency identified by compatibilists are truly sufficient for freedom, responsibility, or, depending on the account, control. According to the present line of objection, if those features are not sufficient for freedom, responsibility, or control, then it is difficult to see how those same features can genuinely block worries about luck.

Here's a reply. What is crucial to many contemporary libertarians is not the claim that compatibilists fail to show that there is *any* sense of control, freedom, or even responsibility compatible with determinism (or indeterminism). Instead, the complaint is typically that such notions display a kind of shallowness. The crucial claim for these incompatibilists is that a "deeper" or "enhanced" form of freedom, responsibility, or control can only be obtained by satisfaction of some additional requirement of indeterminism.[15] The libertarian can say that compatibilist-friendly powers of agency are fine, so far as they go, but to *really* deserve praise or blame—or some important variety of it—requires indeterminism, appropriately located.

I see no reason to deny that there can be piggy-backing libertarian accounts, especially given the

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14 In conversation, anyway, many libertarians are piggy-backers. They are willing to accept construals of their accounts as "the best compatibilist account of agency plus the requirement of indeterminism." If so, those Luck Problem-blocking properties of the compatibilist FRAC should carry through to the libertarian's appropriation of those elements of responsible agency.

15 For some incompatibilist accounts in this vein, see Robert Kane, *The Significance of Free Will* (Oxford: Oxford, 1996); Saul Smilansky, *Free Will and Illusion* (New York: Clarendon, 2000); Dan Speak, "Towards and Axiological Defense of Libertarianism," *Philosophical Topics* 32, no. 1&2 (2004): 353-69; Alfred Mele, *Free Will and Luck*, chapters three and five; Chris Franklin, "The Problem of Enhanced Control." See also the related literature on whether compatibilism secures more or less control than libertarianism in Randolph Clarke, *Libertarian Accounts of Free Will* (Oxford: Oxford University Press, 2003); Robert Kane, "Review of Libertarian Accounts of Free Will," *Mind* 115 (2006): 136-42; John Martin Fischer, et al., *Four Views on Free Will* (Malden, MA: Blackwell, 2007)— especially chapters one and five.

willingness of libertarians to express such views. Of course, not all libertarians need to be piggy-backers. Still, there is an important class of incompatibilist accounts—minimally, event-causal forms of libertarianism—that could, without much difficulty, accept the strategy I am suggesting.

If all of this is right, then piggy-backing libertarians have an intriguing reply to The Luck Problem. Piggy-backing libertarians can allow that compatibilist construals of FRAC identify agential powers whose presence is sufficient to "wall off" or inoculate against luck worries, without necessarily allowing that such accounts identify features of agency sufficient for responsibility. Compatibilists and libertarians will still disagree whether satisfaction of some further condition—indeterminism—is additionally required for a fully adequate account of FRAC.

For this approach to work, however, it would need to be the case that there really is an adequate compatibilist reply to The Luck Problem objection. In the next section, I turn to motivating the idea that there are adequate compatibilist replies to The Luck Problem objection.

5. Blocking The Luck Problem objection

What is needed is a view on which we can acknowledge cross-worlds luck of the sort highlighted by The Luck Problem, while denying that there is anything problematic about that luck. If there is a stable position of this sort, it would constitute an adequate compatibilist reply to The Luck Problem, one that can be extended, at least in principle, to piggy-backing libertarian accounts. Developing such a position is the goal of this section.

Recall that the force of The Luck Problem objection hinges on the idea that indeterminism introduces luck into the causal sequence of agency, and that the luck it introduces ultimately undermines

responsibility. Roughly, we can say that if luck substantially disrupts ordinary intentional control of actions, then it is a problem. Note, though, that in these cases luck is a problem because of what it does—it undermines the thing that normally matters in instances of original responsibility, i.e., praiseworthiness and blameworthiness. When the presence of luck doesn't undermine those capacities that rightly matter for praiseworthiness and blameworthiness, it seems that the luck is of no relevance to responsibility. If there is a 1% chance that some assassin will miss his target due to random wind effects, this does not—to my ear anyway—undercut my default conviction that the assassin (if otherwise normal, un-coerced, and so on) is responsible for killing the target. Indeterminism in the world appears to present no intrinsic or necessary and substantial problem with luck.[16]

I take it the preceding remarks are consistent with perhaps the standard views about luck after the formation of an intention to act.[17] The issue, as we have seen, concerns what happens when the luck arises as feature of agents and their indeterministic practical deliberations. The thrust of The Luck Problem objection is that the cross-worlds differences for agents like Al and Al* are problematic because there is no explanation why they did action A as opposed to action B. Because each action has a different moral valence, though, the resultant moral evaluations become capricious or specious. It is this last inference—the move from the fact of luck and the fact of different moral evaluations to the conclusion that such distinct evaluations are capricious or responsibility-undermining— that I wish to reject. My claim is this: we can

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16 This is important point in Robert Kane, "Responsibility, Luck, and Chance: Reflections on Free Will and Indeterminism." Also, in saying that there is no intrinsic and substantial problem with luck, I do not mean to downplay the complex issues here about how much indeterminism there can be before it no longer makes sense to describe some event as a case of intentional, controlled action. And, I recognize there are intricate matters lurking here concerning the connection between knowledge claims and indeterministic luck in the world, and how this intersects with requirements on moral responsibility. Still, in a range of pedestrian cases the fact of indeterministic luck would not be, by itself, a substantial problem.
17 For good discussions of some of these issues and the relevant literature, see Alfred Mele, *Free Will and Luck*; Randolph Clarke, *Libertarian Accounts of Free Will*; Robert Kane, "Responsibility, Luck, and Chance: Reflections on Free Will and Indeterminism."

sketch plausible, independently motivated models where there is nothing problematic about retaining moral judgments in the face of luck-drenched decisions and attendant outcomes.

To see how, consider a society trying to decide for itself how it will arrange various benefits, roles, and duties for its members in accord with their preferences and some or another fair and accepted decision procedure. Let us suppose that the society's deliberations, based on an appropriate deliberative path that respects that society's agreed upon decision procedures, yield three possible schemes of social arrangement. Let us further suppose that each scheme does an equally good job of satisfying the collection of relevant demands and constraints on the group's deliberations. We can further suppose that each scheme may vary in how it satisfies a given individual's preferences, how it meets his or her interests, and the degree to which it does, but that the justification for any of these schemes is essentially the same and it is only in the details of particular distributions that there is a difference. In each case there is a widely shared set of reasons favoring each of these candidate social arrangements. Indeed, we can suppose that the very same reasons favor each candidate arrangement equally well.

Now, let us also suppose that these three schemes yield very different social positions for a particular individual—call her Themis—at some arbitrarily selected future time. On some arrangements, Themis is fabulously wealthy and accorded enormous social respect for her achievements. On other arrangements, there is no similar social prestige attached to her lot in life and her life is unremarkable in the usual ways. In still others, the life afforded to her carries a comparatively low degree of social respect. If you like, we can imagine that each of these three schemes establishes some baseline degree of social respect, standards of human dignity, and norms of interaction. Or not. These details do not matter for present purposes, just so long as we accept that (I) there will be differential attitudes and judgments directed at Themis as a

consequence of how her life story interacts with the elected social arrangement, and (2) the social

arrangement is suitably justified, a product of whatever legitimate constraints and interests there are on a

society's selection of an organizing social scheme.

Now let us suppose that our society faces these three options and realizes that any of them will do

equally well. In fairness to all of its members, the society elects to utilize a randomized, genuinely

indeterministic process for settling which of these schemes shall be brought forth. This strikes our society

as a crucial element to include in its decision procedure. Even though each social arrangement is equally

good from the standpoint of the society as a whole, each arrangement has a different appeal or value from

the standpoint of any given individual, and an indeterministic process of selection is one way of respecting

that fact. Here, then, is the crucial point: when the veil of indeterminism is pulled back, whatever society is

selected will leave Themis ill-positioned to complain about the results. Later in her life she might look back

and note that it was a good, bad, or unremarkable piece of luck that shaped the life that she did lead, and

consequently how others treated her. Nevertheless, it seems clear that such indeterministically generated

luck would not undermine the legitimacy of reactions and interactions involving Themis so long as it was

produced in a normatively satisfactory fashion. Notice, though, that what we have is precisely a case where

there is cross-worlds luck, but such luck does nothing to undermine the normative integrity of the social

arrangements and what follows.

Might a theory of moral responsibility outline how a social arrangement or normative context be

structured in the luck-tolerant fashion suggested by the Themis case? I think so. The full details would

obviously exceed the scope of this paper, but what we need is some reason to think that this is possible.

Here is one such story. Conceive of a system of responsibility judgments, practices, and reactive

attitudes as being teleologically justified. That is, it is justified partly because of the effects that ordinary, (usually non-teleological) quality of will norms have when enacted in communities like ours. Suppose that the following is the effect: when agents are subjected to moral practices of the sort we associate with moralized praising and blaming, it helps make those agents into—and sustains them in being—agents that recognize and appropriately respond to moral considerations.

To be sure, teleological accounts of responsibility got a bad name from relatively simple consequentialist accounts in the early and middle parts of the 20th century. However, we can side-step many of those worries by supposing that there is a two-tiered structure here. At the level of the norms of the practice, agents are responsible because they violate quality of will norms, which are typically backward looking. The teleological element only enters at the level of the justification of those non-teleological norms. The idea is that the quality of will norms help creatures with psychologies like ours develop and extend our powers of recognition and response to moral considerations.[18]

There is obviously a great deal more than can be said about such an account, both pro and con. Moreover, a story this compressed will surely raise a host of questions. Let's not get sidetracked, however. What matters here is only whether there is *some* reason to think that it is not impossible that compatibilists can tell a story on which luck plays a role in what happens, but for which responsibility is not undermined. Indeed, nearly any compatibilist account will need to insist that praising and blaming are justified by some or another readily available feature of some combination of agents, actions, and circumstances. Or, at any rate, it is hard to see why we should care about that account if it cannot secure that much.

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[18] Those dubious about these claims can turn their attentions here for a more sustained defense of these ideas: Manuel Vargas, *Building Better Beings: A Theory of Moral Responsibility* (Oxford, UK: Oxford University Press, in press). I take it that one need not accept my particular account, however. What we need is only some account that permits luck-inflected decisions to be met with responsibility-characteristic reactions.

The point of the teleological account I sketched is not to argue for its superiority over other accounts of responsibility. Rather, the point is that it helps illustrate a way in which there might be cross-worlds luck without that luck extending to whether agents deserve praise or blame. On such an account, the presence of cross-worlds luck does not undermine responsibility. Indeed, it suggests a general characterization for how that might be the case: The presence of indeterministically-generated luck is not problematic when the results of that luck operate with a framework of responses and statuses that are justified and desert-generating.

So, it does not seem unreasonable to think that the following may be the case: in whichever society Themis finds herself, there may be an adequate justificatory scheme for the way she will be treated, for the status she will have in that social context, and for the system of justified norms that license particular behaviors and disallow others. The presence of luck does nothing to change this fact. So, even if there is no explanation for why our imagined society chose social arrangement A over arrangements B and C, this does not undermine the legitimacy of the social arrangements that come to be in society A when it is the one that is selected, even if it is partly a matter of luck.

These ideas can help us see how a response to the original Luck Problem objection can go. We can grant that it is a matter of luck whether Al ends up doing A or B. However, we can also maintain that whichever action results does nothing to undermine Al's responsibility, just so long as there is an adequate justification for the norms, statuses, and reactions to which Al is subsequently subjected. Recall that what makes Themis ill-positioned to complain, even in the face of the real existence of cross-worlds luck about her position, is that the norms governing her status are justified, regardless of the particular outcome in a constrained set of possibilities. What would make Al ill-positioned to complain are similarly well-justified

norms and duties governing reactions to his undertaking whatever action he undertakes. So long as we have that—a luck-tolerant social scheme where the available statuses are justified, whatever they turn out to be—we need not worry that cross-worlds luck undermines the integrity of responsibility ascriptions.

On the present account, then, luck is only a problem if we can muster no adequate account of the normative integrity of praising, blaming, and other responsibility-characteristic phenomena. If we can muster such an account, then cross-world luck is, by itself, no problem at all. As the Themis case shows, there is at least some reason to think that such a justification, at least partly external to facts about the agent, is possible.[19]

6. Some objections and replies

One might worry about an important disanalogy between the Themis and Al cases. After all, Themis played some role in instituting those norms governing the status of the outcomes in her example. In contrast, Al played no such role in instituting the normative framework that governs reactions to the outcomes in his example. Themis's preferences play a comparatively direct role in determining which societies are just and which are not. Al's preferences play no similarly direct role in explanation the justification of norms of responsibility. So, perhaps, this difference explains why cross-worlds luck is not problematic in the Themis case, and why it might be in the Al case.

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19 Indeed, these considerations suggest an explanation for why compatibilists have not been particularly concerned with the applicability of The Luck Problem objection to their accounts. Many compatibilists, at least those who are concerned with the normative dimensions of the responsibility-centric conception of the free will problem, have thought that the matter of free will was, in some sense, dependent on the normative status of our responsibility practices (Wallace is perhaps the most obvious figure here). If one thinks that our responsibility practices, attitudes, and judgments have a kind of normative coherence and adequate justification to them, then these very same normative features might lead one to implicitly suppose that attributions of responsibility are insulated from standard worries about luck precisely because any luck would operate internal to a normative framework that, under ordinary circumstances, ensures the possibility of justified reactions to any option.

To reply: nothing seems to hang on Themis's preferences or values directly generating the normative status of what ensues. If you like, we can abandon the suggestion that Themis was a member of the society at the moment of genesis. Instead, we might suppose that the justificatory story in Themis's case is indirect and subsequent to whatever constitutes a plausible origin for the society. We can modify the example in a familiar way. Let us suppose that the resultant social arrangement's legitimacy can be understood to derive from the satisfaction of some suitable test of what members of that society could not reasonably disagree with. This would not require that Themis played some special role in the origin of her society. On this modified account, the warrant for praiseworthiness and blameworthiness would still follow in the way I have described. If so, the conclusion of The Luck Problem objection does not go through.

Now consider a second objection, one that focuses on a disanalogy in how the alternatives are brought about.[20] The objection can be put this way: "Themis may be responsible in part for the choice situation in which she will be placed in arrangements A, B or C. However, she is not responsible for the selection of which position among the three she ends up in. Similarly, Al may be responsible for being in a position where he has a choice between A or B. Unlike Themis, however, he is (at least on a libertarian account) supposed to also be responsible for the selection of which of the two, A or B, he ends up with. This is a significant difference."

I have two replies.

First, I agree that there is a difference here. However, it is unclear why this is a difference that matters in this context. The aspiration here has been to motivate the idea that luck need not undermine responsibility if it occurs in a suitable normatively structured context, one where the prescribed reactions to

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[20] Robert Kane suggested this line of response.

the result can be justified. The Themis example plausibly shows how this can be so. The idea is to then extend that insight to the Al case. We do not extend the insight because we suppose that Themis is responsible for the selection of the actual arrangement. Instead, we take the Themis example to illustrate that the presence of luck cannot undermine the normative status of outcomes under at least some conditions.

Do those conditions hold in the Al case? It depends on what those conditions are. What the piggy-backer strategy requires is that for any possible result, there is an adequate justification for how we regard the actualization of that possibility. If there is (and recall, most compatibilists will insist there is), then what we need to figure out in the Al case is whether it is plausible (or least conceivable) to think that there is an adequate justification for ascribing praise or blame, regardless of what Al nondeterministically comes to do.

Once we grant the possibility of some comparatively free-standing justification of praising and blaming, then we have what we need—unless there is some special reason to think that Al's playing a role in the actualization of possibility X rather than possibility Y somehow undermines that framework of justification. It is not clear what about Al would disrupt such a framework of justification. After all, it is a framework that plausibly exists independent of Al, and a framework with a justificatory source that is broader than Al and his psychological states. So, there seems to be no reason we cannot extend the basic strategy to the Al case. Thus, the difference between Al and Themis is not a difference that makes a difference.

The second reply is more straightforward: I do not see why we cannot concoct a case that transfers the basic insight of the Themis case to a scenario where the agent is plausibly responsible for which social

arrangement obtains.

Suppose a new person, Dike, is in a position somewhat similar to Themis's, one where a group of people is deciding how to arrange the basic institutions and relations of their society. Suppose that Dike's society has, via a just process, entrusted Dike to make a choice about which social arrangement they shall implement, in light of her considerable wisdom about these matters. As a consequence, however, there are some live options that are unjust—alive because Dike considers them and unjust because, say, they do an unacceptably bad job of satisfying the basic needs, preferences, and ends of the members of that society. After surveying the options, both just and unjust, Dike issues the following decree: "Our social arrangement is to be both just and a product of an indeterministic choice-making device of my selection." Having constrained the possibilities in the way she has, and having invoked indeterminism to settle the matter among the just options, we arrive at an indeterministically selected arrangement that, as a consequence of the indeterminism, makes luck a part of the process, much as it did in the Themis case.

The following seems plausible: if we assume Dike satisfies whatever conditions you suppose are required for moral responsibility, then she is responsible for whatever social arrangement is selected. As in the Themis case, whichever arrangement she subsequently finds herself in, she is in no position to complain, despite the fact of luck that is introduced by the indeterminism. So: the basic insight of the Themis example can be extended to cases where the considered agent is plausibly responsible for which possibility is actualized.

7. Getting lucky

If the preceding argument works, the proponent of The Luck Problem objection cannot presume that there

is never an adequate license for whatever normative status follows from luck in action. In particular, I have argued that there are plausibly accounts that anchor the normative status of responsibility in features of social context or the effects of normative practice. If these accounts are viable, they show that luck is not problematic in the way it has been widely assumed to be.

It goes without saying that the proponent of The Luck Problem might yet show that there is something deeply problematic about accounts that make the normative status of responsibility depend at least partly on features external to the agent. However, in the absence of such arguments The Luck Problem objection remains, at best, a potential objection to be delivered upon the failure of the relevant compatibilist accounts.

Here, though, is where things become interesting for many libertarians. If there is a kind of compatibilism that can block The Luck Problem objection, then at least piggy-backing libertarians can help themselves to those resources, so long as nothing in the special libertarian posits undermines responsibility. While it might yet turn out that there is something about libertarian agency that undermines the approach we have considered, it is not obvious what it could be. Indeed, the Dike example even built in to the deliberative process an indeterministic element. So, it seems that the compatibilist can address The Luck Problem, and thus, that these resources are similarly available to the piggy-backing libertarian.

The piggy-backer will, of course, insist that the compatibilist forms of agency implicated in the social and normative arrangements that tolerate luck are, without indeterminism, insufficient for "deep" "true" or "genuine" responsibility. What libertarians of this sort will rely on, however, is the idea that the normative structures that compatibilists think are sufficient for responsibility are sufficient for undermining the worries about luck. On this view, the existence of compatibilist forms of agency and socio-normative

arrangements work like an immunization. Immunizations aren't sufficient to guarantee health, but they can be sufficient to keep one from being infected by particular diseases. In this case, the disease is luck, and compatibilism is the immunization against it. The health of piggy-backing libertarianism partly relies on the efficacy of the compatibilist immunization, but the immunization is not by itself sufficient for full health.

The possibility of a piggy-backing solution is not yet an argument for those forms of libertarianism, or even an argument that such forms of libertarianism are indeed well served by relying on compatibilist resources. Perhaps the ideal libertarian reply to The Luck Problem objection will work through resources distinctive of libertarianism. What I have argued is that there is a plausible path to a sufficient reply that does not require working through libertarian-specific elements. A (piggy-backing) libertarian can allow that compatibilists have an adequate reply to The Luck Problem objection that can be put to libertarian use, even if it turns out to be true that there are further, special libertarian resources available to address The Luck Problem objection. Of course, incompatibilists who reject piggy-backing will find no aid in the present line of response. Still, the surprising upshot of all of this is that the fate of The Luck Problem may depend less on the particulars of libertarianism than it does on the resources of compatibilism.[21]

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