

Neil Levy

Hard Luck; How Luck Undermines Free Will and Moral Responsibility.

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Neil Levy's new book is a good read. Levy argues for the Hard Luck View: that our choices are a matter of luck and that we are not morally responsible for what is due to luck. Despite the radical and implausible conclusion, Levy's thesis is novel and refreshing, for it is intended to be independent of determinism or indeterminism. To make good on such skepticism Levy needs to tell us what luck is. Accordingly, he articulates a modal account of luck and defends it against other conceptions and objections. The modal account defines luck by way of possible worlds without necessary reference to indeterminism or determinism: but luck is either chancy or not chancy. Levy defines chancy luck as: "An event... occurring in the actual world is chancy lucky for an agent if (i) that event... is significant for that agent; (ii) the agent lacks direct control over the event... and (iii) that event fails to occur in many nearby worlds; the proportion of nearby worlds that is large enough for the event to be chancy lucky is inverse to the significance of the event for the agent" (36).

With his account of luck in hand Levy proceeds to see how the major positions on free will fare. In chapter three Levy examines libertarian views of agency and in chapter four he turns to compatibilism and historical conditions on moral responsibility. In chapter five he examines the epistemic dimensions of control, arguing that they are very demanding and difficult to fulfill. He argues that nonculpable ignorance is lucky and widespread, relieving us of responsibility. In chapter six he discusses akratic action and ends the book with a discussion of "quality of will" theories of agency familiar from Strawson, Wallace, and Frankfurt. The discussions are central, detailed, interesting and worthy of reply. I especially enjoyed Levy's discussion of nonculpable ignorance and its scope.

Given Levy's definition, an event is a matter of luck only if it is not under someone's control. So to prove that luck is a problem for indeterminists Levy wishes to show that indeterminism implies a lack of control. But, as far as I can tell, if one has a novel argument for the conditional *if an event is indeterminated then it is not under control* then "the game is over". Going further, to show that the remaining conditions on luck are satisfied, such that the absence of control can be classified as luck, seems superfluous. Levy's argument for the above conditional is trendy but I think quite dubious. Apparently, an agent is not morally responsible for what they have done if there is no contrastive explanation for their choice (43). Second, it is a common opinion regarding indeterminated events that they lack contrastive explanations. Together these imply that agents are not morally responsible for their indeterminated choices.

Curiously, the normative claim regarding contrastive explanation and responsibility appears to be unique to philosophers engaged in the free will debate. It is also not altogether convincing. Imagine the following scenario: facing a street full of people, I give a dollar to one of them, but I have no idea why I gave it to this person rather than that. Is my lack of a

contrastive explanation for my choice evidence that I am not responsible for giving? I don't think so.

In chapter four Levy argues that compatibilist agents suffer from constitutive luck: they are lucky or unlucky to be the people they are. Levy's reflections on this are interesting but unusual, for he takes manipulated agents (those who have had others create, implant, or change their mental states) as his example. "We can treat typical cases of bad constitutive luck and philosophical thought experiments involving manipulation as raising the same problem." (87) But that puzzles me, since typically, if an event is planned, it is *not* due to luck.

Levy also thinks that compatibilist agents suffer from present luck. "Which considerations come to mind is – apparently – a matter of luck for an agent... Our attention might wander at just the wrong – or just the right – moment, or our deliberation may be primed by chance features of our environment." (90) These considerations are important: they may, however, work against Levy's thesis. Although my intention to be horrible arises in me without a known cause or contrastive explanation and leads me to act horribly, no one currently takes this mundane and nasty fact of my mental life to *relieve* me of responsibility; it more likely condemns me. If we think that the intention arose due to luck, then luck like that is not currently taken to be an obstacle to holding someone responsible.

In reading, I wondered whether Levy moved too quickly from appearances to reality, for we may ask: why think that such an intention is a matter of luck? Perhaps in all nearby possible worlds, as opposed to my epistemically available worlds, the same unpleasant intention would be formed, contradicting the modal definition of luck. In his interesting discussion of culpable ignorance Levy appears to overlook the modal condition on luck when he claims "Non-culpable ignorance is clearly lucky for agents" (115). But there is plenty of non-lucky non-culpable ignorance. Informationally cloistered agents do not have their ignorance from luck but they are not culpable either. And we might wonder why a non-culpably ignorant agent has *good* luck or is *lucky*, rather than being unlucky.

Levy's discussions of nonculpable ignorance and akratic action are linked. He argues that culpable ignorance is very rare, requiring some opportunity in which it is rational for an agent to improve their epistemic condition – an opportunity, however, which the agent consciously turns down, thus exhibiting the vices of epistemic laziness or arrogance. In such cases the agent acts akratically, so culpable ignorance is a species of akratic action. Levy then argues that akratic action is not free and responsible action, so culpable ignorance disappears. Rather, akratic action is analogous to non-responsible compulsive action. Considering a grandfather who fails to open the letter his niece brings him, warning him from feeding her peanut butter, which he does, Levy writes "it is far from clear that he satisfies the significance [condition on control]... he might not realize that, or how much, it matters that he read the letter" (117). A condition on an event being due to luck is that the event is significant for the agent and the known significance of an event is also required for the agent to be responsible for the event. Levy does think that we can identify a point in which the grandfather akratically fails to open the letter, if he is told that the letter is *important*. But if not, then grandfather doesn't have culpable ignorance because he lacked an opportunity in which it would be rational for him to open the letter.

Levy's attempt to show that culpable ignorance is rare is extremely interesting and requires some thought. But it strikes me that consciously ignored opportunities to improve our epistemic condition are legion, not rare. Unless grandfather is mentally unusual, the receipt of a letter should represent to him an opportunity to improve his epistemic situation. When grandfather throws the letter on the table and says to himself, "I'll read it later", he exhibits a certain epistemic laziness.

Related to the issues regarding significance is Levy's idealism about luck. If a die is rolled and yields a six but no one is there to perceive it, is it a matter of luck? Levy thinks it is not. This is because Levy thinks only "significant events" or events that are related to what people find significant can be called *lucky* or *unlucky*. "[It] would be strange to say that it is a matter of luck whether I have an odd or even number of hairs on my head at 12 noon, because we generally reserve the appellation "lucky" for events... that matter" (13). This *example* surprised me, for many people take "known cause" as a defeater of "luck" and Levy is surprised that at least one reviewer didn't agree. But Levy's argument for luck entailing significance seems mistaken. It doesn't follow that because *good* luck and *bad* luck require significance to some person that luck itself does. When one has good luck one is lucky, when one has bad luck, one is unlucky. A good dog is defined in terms of human needs, but dogs need not be. Luck can be like that. It's not odd to say that the number of hairs on my head is a matter of *luck*, but whether it is *good* luck or lucky, does indeed depend on others' aesthetic opinions. A "six" thrown in a forest, significant to no one, is still a matter of luck, but it is neither lucky nor unlucky. If events can be due to luck by merely being indetermined then the concept of luck is ambiguously related to moral responsibility after all.

All in all, *Hard Luck* is good philosophy: informed, clear and controversial.

Brian Jonathan Garrett
Independent Scholar