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A New Form of Moral Luck?

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Many of us have learned to live with the idea that moral luck is inevitable, and perhaps even pervasive. But there is a manifestation of the phenomenon of moral luck that has been overlooked in the literature, and that seems especially puzzling. It's a form of luck illustrated by cases where our responsibility appears to depend exclusively on whether *other responsible agents* are present and what their contributions are. In this paper I discuss this phenomenon, by appeal to three main examples. The examples I use are quite varied: one is taken from the literature on free will, another from the literature on causation in the law, and the third is an example that concerns degrees of moral responsibility. I discuss the puzzles to which those examples give rise, and I critically examine the alternatives that we face in each case. My main goal, however, is not to provide a resolution of the puzzles, but only to draw attention to this interesting phenomenon.

1 Free will

Philosophers disagree about whether determinism is compatible with free will and responsibility. Compatibilism is the view that they are compatible; incompatibilism is the view that they are not. In recent years, some philosophers have argued for incompatibilism by appeal to *manipulation arguments*. Although there are different kinds of manipulation arguments, all of them appeal to intuitions about the responsibility of agents in scenarios where a certain kind of manipulation takes place: one that is pervasive enough to seem to be responsibility-undermining, but indirect and subtle enough for the standard compatibilist conditions for freedom to be satisfied. Here I will focus on a version of the argument that is based on a specific kind of scenario. I will then explain

how tweaking that scenario a bit results in an important change in our intuitions, and how this results in a puzzling new form of luck.

Consider the following case, a variant on Mele's 'zygote' scenario:¹

Diana: Mary is about to use in vitro fertilization to conceive a child. A goddess, Diana, intervenes by inducing a specific genetic mutation in the material in the dish, which she knows will result in the conception of a child, Ernie, with certain innate genetic dispositions. Diana knows that, partly due to those dispositions and the deterministic laws, 30 years later Ernie will murder his uncle to inherit a fortune. Still, when Ernie murders his uncle 30 years later, he satisfies all the standard compatibilist conditions for freedom (he is reasons-responsive, his will is structured in a certain kind of way, etc.).

Is Ernie responsible for murdering his uncle in this case? It seems not. If so, one could use this in an argument for incompatibilism, as follows:

- (1) Ernie's murdering act in the Diana scenario is not free.
- (2) Ernie's act meets all the standardly recognized compatibilist conditions.
- (3) Therefore, compatibilism fails.

This is not the place to assess the force of manipulation arguments. What I'm interested in examining here is what happens when we modify the Diana scenario in certain ways. Imagine that we replace Diana with a purely natural phenomenon, as in this other scenario:

Lightning: Instead of goddess Diana, a flash of lightning strikes the laboratory while the in vitro procedure is taking place, which results in the same genetic mutation. Everything else is the same as in the Diana scenario.

My intuitions about Lightning are very different from those about Diana (and my guess is that others feel the same way): here I don't have a clear intuition that Ernie isn't responsible. But note that, by assumption, the only difference between the two cases is that here 'blind' natural forces play the role that an intentional agent plays in the Diana case. Somehow this affects our perception of Ernie as responsible or not responsible.

But this is odd. How could a difference of this kind affect Ernie's responsibility? It seems that whether the causal history contains a

natural phenomenon or an intentional agent cannot make a difference to Ernie's responsibility if *what* they contribute is exactly the same (in this case, a certain genetic makeup for Ernie). In both cases Ernie ends up being constituted in exactly the same way, as a result of certain deterministic processes unfolding in similar ways, and, in both cases, Ernie performs the same act as a result. Some compatibilist views of responsibility regard certain *historical* factors as relevant to Ernie's responsibility (factors concerning how Ernie came to have a certain kind of will, how he came to be responsive to the relevant reasons, etc.). But, even on views of that kind, facts about what happened before Ernie was born are usually regarded as irrelevant to his responsibility.² Still, if our intuitive judgments about these cases are to be trusted, it turns out that it does matter if the causal history contains a natural phenomenon or an intentional agent. And, of course, this difference concerns factors beyond Ernie's control. So, if our intuitive judgments about these cases are to be trusted, Ernie is subject to moral luck, and to a very specific form of luck, one that seems especially puzzling.

Nagel (1979) famously distinguished four varieties of moral luck: causal luck (luck with respect to the causes of our acts), circumstantial luck (luck with respect to the circumstances in which we act), constitutive luck (luck with respect to our own constitution), and resultant luck (luck with respect to the results of our acts). The kind of luck that Ernie would exhibit in this case is causal luck: it concerns the remote causes of Ernie's act, at a time before his birth. Nagel took causal luck to be the kind of luck involved in the fact that, if determinism is true, our acts have deterministic causes that trace back to times before we were born; thus, if we are ever responsible for what we do, we are responsible despite the fact that our acts are the inevitable result of processes beyond our control. But the kind of luck illustrated by the contrast between Diana and Lightning is even *more* puzzling than this. For, if the intuitions about Diana and Lightning are to be trusted, we are responsible when our acts are the inevitable result of natural processes, but *not* when they are the inevitable result of the intentional behavior of other agents, even if both of them are equally beyond our control, and even if they result in otherwise similar causal histories.³

Now, perhaps we shouldn't trust our intuitions about Diana and/or Lightning, and this puzzling new form of luck can be avoided. I'll discuss this possibility later. Let me now turn to the next example, which involves resultant luck instead of causal luck.

2 Causation in the law

In the literature on causation in the law, there is an interesting puzzle that has come to be known as the ‘desert traveler’ puzzle. In one of its versions, the story goes like this:

Desert traveler: A man goes into the desert with his water canteen. He has two secret enemies, Enemy 1 and Enemy 2, who are unaware of each other’s existence and intentions. The two enemies devise independent plans to make the traveler die in the desert. At t_1 , Enemy 1 drains the water out of the canteen and replaces it with sand (so that the traveler won’t notice the difference in weight). At t_2 , not knowing that the canteen contains only sand, Enemy 2 steals it from the man. The desert traveler dies of thirst at a later time, t_3 .⁴

Although the puzzle originally concerns legal responsibility, here I am interested in the *moral* responsibility of the agents involved, and in their moral responsibility for the relevant outcome: the traveler’s death. If it makes sense to hold agents morally responsible for outcomes, then what outcomes they are responsible for will presumably depend on what outcomes they *caused*, and not just on what outcomes they *tried* to cause. Both enemies tried to cause the traveler’s death. In order to determine who is responsible for the death, then, it seems that we should determine who actually caused the death. Was it Enemy 1? Or Enemy 2? Or both?

But this is where the puzzle arises. For consider Enemy 1 first. It seems that we cannot say that he caused the traveler’s death by draining the water out of the canteen. After all, what good would the water have done the traveler, if, given what Enemy 2 later did, that canteen was going to be miles away from him when he needed it? Similarly, consider Enemy 2. It seems that we cannot say that he caused the traveler’s death either, for how can stealing a canteen that was at that point filled with sand (given what Enemy 1 had done) be relevant to someone’s dying of thirst? But, surely, *someone* is to blame for the traveler’s death. After all, his death was not some unlucky accident! It wouldn’t have happened if the two enemies hadn’t acted as they did.

The literature contains a number of different solutions to the puzzle. The proposals range from blaming the first enemy to blaming the second, to blaming both, to blaming no one. I argue for my own (novel) solution to the puzzle elsewhere.⁵ This is not the place to review and assess the different possible solutions. Instead, I’ll briefly go over the main features

of my solution, and then I'll explain why the desert traveler case can be seen as another manifestation of the puzzling new form of luck.

Part of my solution is the claim that answering the causal question (Who/what caused the man's death?) is *not sufficient* to answer the responsibility question (Who is morally responsible for the death?). Indeed, I think that the reason the puzzle has proved so elusive is that we've been confused about its nature: we've been trying to solve it by answering the causal question, and this is not the right approach in this case.

This is not because the causal question doesn't have an answer, for I think it does. I believe the answer is this. For the reasons mentioned above, it is wrong to say that the enemies made an *individual* causal contribution to the man's death. However, they clearly made a *collective* contribution: they 'together' brought it about. After all, the man wouldn't have died had they not done what they did (that's why we feel that someone must be to blame for the death in this case).⁶

Who is morally responsible for the death, then? We can't properly answer this question until we have a better understanding of how collective causal responsibility interacts with (individual) moral responsibility. And it's not at all obvious what the relation between the two is. Should we think, for example, that whenever one's contribution is part of a collective cause, it follows that one is thereby morally responsible for the outcome? If that were the case, it would follow that *both* enemies are morally responsible for the traveler's death, given that both of their contributions are part of the collective cause.

But, on reflection, it doesn't seem right to suggest that being part of a collective cause is sufficient to be morally responsible. For consider what happens when we modify the desert traveler scenario by replacing one of the agents with a natural event. Here are two such 'natural' variations (lightning takes the place of Enemy 2 in the first one, and of Enemy 1 in the second one):

Variation 1: At t_1 , Enemy 1 drains the water out of the man's canteen. At t_2 , a flash of lightning vaporizes the canteen.

Variation 2: At t_1 , a flash of lightning strikes the canteen and creates a hole in it, which makes the water drain out. At t_2 , Enemy 2 steals the canteen.

Note that what each agent individually contributes in the natural variations is exactly the same as in the original case. As a result, if Enemy 1 doesn't make an individual causal contribution to the death in the

original case, then neither does he in Variation 1, and the same goes for Enemy 2 and Variation 2. But, here too, the agents' individual contributions are part of a *collective* cause; the only difference is that, in these cases, the collective cause involves an agent and a natural event instead of two agents. Thus, Enemy 1's causal contribution is exactly the same in Variation 1 as in the original case, and Enemy 2's causal contribution is exactly the same in Variation 2 as in the original case (in both cases, it's a collective causal contribution).

But, interestingly, although the causal contributions of the agents are exactly the same in the natural variations, the *moral responsibility* of the agents intuitively varies. I, at least, am much more inclined to think of the death as an unfortunate accident or an act of nature in the natural variations. If we think resultant luck is possible, then we'll likely think that the agent who remains in the picture in these cases is morally lucky because his attempt to cause the man's death was frustrated by the intervention of a natural event beyond his control (lightning). If so, there is an interesting difference in our intuitive responsibility judgments between the natural variations and the original case: whereas it seems that someone *is* responsible for the death in the original case (even if we find it hard to determine whether it's Enemy 1 or Enemy 2 or both), it seems that no one is responsible in the natural variations.

In other words, there is a difference in responsibility that is not grounded in a difference in causal contribution. Imagine that we establish that Enemy 1 is responsible in the original case. Then he is responsible in that case but not in Variation 1. And the only difference between Variation 1 and the original case is that a natural event does what Enemy 2 did in the original case; somehow, the mere difference between a natural event and an intentional agent results in a difference in *Enemy 1's* responsibility. This is, again, the puzzling new form of luck, although this time it concerns responsibility for outcomes in the world, and thus resultant (not causal) luck.⁷

Note how this manifestation of the new form of luck differs from the standardly recognized category of resultant luck. Traditionally, we think resultant luck arises because an agent's responsibility for an outcome depends on his causal contribution to that outcome, and his causal contribution depends, in turn, on factors beyond his control.⁸ But this is not how luck arises in these cases. Here there is an apparent difference in responsibility that cannot be traced back to a difference in causal contribution. What determines whether or not the agent is responsible for the outcome in these cases is not *his* causal contribution, but the contribution of *other* things: in particular, whether other contributions

are made by intentional agents or natural processes. That's what's particularly puzzling about these cases.

3 Degrees of responsibility

Let me now turn to the third example. It also concerns resultant luck, but it involves *degrees* of responsibility for outcomes, instead of responsibility *tout court*. In order to set up the example, I first need to introduce the concept of degrees of responsibility and of causal contribution.

As we have seen, traditional resultant luck arises because our moral responsibility for outcomes tracks our actual causal contribution to those outcomes. Now, it is also quite common to think that moral responsibility can come in degrees: we can be more or less responsible for things, and, in particular, we can be more or less responsible for outcomes that we cause. Arguably, a wide variety of factors contribute to determining the degree to which we are responsible in each case. For example, philosophers normally recognize the existence of epistemic conditions for responsibility. Given that we can meet those conditions to different degrees, this can arguably result in different degrees of responsibility. For instance, I can be more or less certain that I'm acting wrongly, and this can make me more or less to blame for what I do. Similarly, it seems natural to expect that, if our responsibility for outcomes tracks our actual causal contribution, then, to the extent that we can make a *more significant* or *less significant* contribution to an outcome's occurrence, this will also result in different degrees of responsibility for that outcome.

So, now let's compare these two scenarios:

CASE 1: I want an explosion E to occur. I have good reason to believe that pressing button A will trigger an explosive that will result in E. I press A, and E occurs.

CASE 2: *Three* buttons (A, B, and C) need to be pressed for E to occur. Two other agents independently press B and C while I press A (each of us knew about the buttons, had good reason to believe that the other buttons would be pressed, and acted with the intention that E occurs). E occurs.

Consider: How responsible am I in CASE 2? It is clear that I am responsible to some degree. But to *what* degree? In particular, how does my responsibility compare with that of CASE 1?

There seem to be only two sensible options: either I'm *as* responsible as in CASE 1, or I'm *less* responsible. If I'm less responsible, this is presumably

because the three agents share responsibility in that case. Perhaps, if my responsibility in CASE 1 is D, then my responsibility in CASE 2 is only D/3 (and so is the responsibility of the two other agents).⁹ Perhaps my responsibility is reduced in a different way. Never mind: the important thing is that on this second view my responsibility is reduced considerably.

Which of these two answers is the correct answer? Some would say that it's the first, that I'm equally responsible in both cases.¹⁰ But note that, under the assumption that responsibility comes in degrees, and assuming, also, that causal contributions come in degrees, it is plausible to believe that different degrees of causal contribution result in different degrees of responsibility. If so, given that I seem to make a significantly smaller contribution in CASE 2 than in CASE 1, this supports the idea that I'm responsible to a *significantly lesser* degree in that case. (Note that, if it helps pump the relevant intuitions, we can always increase the number of agents and buttons to, say, one thousand.)

In particular, this seems to be a very natural extension of the idea that one's responsibility is tied to one's *actual* contribution (and not to, say, one's desired or expected contribution). Perhaps I'm in CASE 2 when what I really would have wanted is to be in CASE 1. Or perhaps I'm in CASE 2 although what I believe is that I am in CASE 1. Never mind: the lesson of resultant luck is that what determines my responsibility is – not the contribution that I wanted to make or that I believed I was going to make, but the one that I actually made. If so, and if contributions come in degrees, it seems that I should be more responsible in CASE 2 than in CASE 1.

Now, do causal contributions really come in degrees? Here is one way to motivate this idea. Compare CASE 2 with a third case:

CASE 3: Again, there are three buttons and three fully informed and responsible agents. But this time pressing *any* of the buttons would be sufficient to bring about E. I press A, and the two other agents press B and C. E occurs.

CASE 3 is an *overdetermination* case. Here the explosion is overdetermined by the three button-pushing acts, for pushing any button would have been sufficient for it to happen. In this case it is quite plausible to claim that my contribution is the same as in CASE 1, where pushing my button was also sufficient for the explosion to happen. But note that CASE 2 is not an overdetermination case; it is a more ordinary case of *joint causation*, where different factors contribute towards the occurrence of an outcome without being independently sufficient for its

occurrence. The contrast between CASE 3 and CASE 2, and between the phenomena of overdetermination and joint causation, seems to support the idea that my contribution in CASE 2 is significantly smaller than my contribution in CASE 1.¹¹

So imagine that all of this is right and I am significantly less responsible for the explosion in CASE 2 than in CASE 1, due to the fact that my actual contribution to the explosion is significantly smaller in CASE 2 than in CASE 1. What then? I'll suggest that this results in another manifestation of the puzzling new form of luck.

Consider one last case, where we replace the two other buttons with mechanisms:

CASE 4: Three buttons need to be pressed for E to occur. However, this time I have good reason to believe that the other two buttons, B and C, will be pressed by an automatic mechanism. I press A, the mechanism presses B and C, and E occurs.

How responsible am I in this case? In particular, how does my responsibility for the explosion compare to that of CASE 1? In this case it doesn't seem at all plausible to think that my responsibility is significantly reduced, or that it is much less than that of CASE 1. The only difference between CASE 4 and CASE 1 is that in CASE 4 there are just a couple more things that could go wrong with the setup that would result in the explosion failing to occur, after I press my button. Two other buttons have to be pressed, as they are automatically designed to do, at a certain time: if the mechanism fails, the explosion won't occur. But, of course, the same goes for all of the (multiple!) conditions that have to be in place for the pushing of a button to result in an explosion; after all, the button has to be connected to the explosive *in the right kind of way*, or else there won't be an explosion. So, although there are some differences between CASE 4 and CASE 1, they don't seem very significant. As a result, the degree of my responsibility in CASE 4 still seems high. If it's not *exactly* the same as that of CASE 1, it comes pretty close (in particular, it seems much higher than D/3, if that's how responsible we're tempted to say I am in CASE 2, as I was imagining above we might).

But note that this means that I'm more responsible in CASE 4 than in CASE 2. And this seems really puzzling. My contribution to the explosion is exactly the same in both cases. The only difference between the two cases concerns the other buttons, who or what presses *them*, and, in particular, whether it's an agent or a mechanism. Thus, it seems that the mere existence or nonexistence of another agent can help determine

the degree to which I'm responsible, and it can do that by itself, without making a difference to my own contribution to the outcome. This is another interesting manifestation of the new form of luck.

4 Assessment

I have described three examples that seem to give rise to the puzzling new form of luck. Now, should we trust the intuitions behind them? Or can the new form of luck be avoided?

We should proceed with caution, because the examples are quite different from each other, so there may not be a single answer that applies to all three cases. I think it helps to start by identifying some differences between the examples that could potentially be relevant.

I have already noted that there is a difference in the *type* of luck involved: causal luck in the free will case and resultant luck in the other two scenarios. But there are also some important differences in *how* our intuitions about the agent's responsibility are affected by the existence of other agents (as opposed to the existence of mechanisms or natural events). First, while in our third example the effect concerns degrees of responsibility, in the others it concerns responsibility *tout court*. Second, and perhaps most interestingly, the type of effect seems to be the opposite in one case than in the others: whereas in some cases the presence of other agents *eliminates or mitigates* our responsibility, in other cases it is what *makes* us responsible. The presence of Diana in the Diana scenario seems to rob Ernie of responsibility for his acts; similarly, the presence of other agents in the buttons case seems to mitigate my responsibility for the explosion. By contrast, in the desert traveler scenario, the presence of another malicious agent is what makes us want to say that the traveler's death is not an accident but a human deed, and it's the reason we are inclined to blame someone for the death. So, not only does the existence of other agents have a puzzling effect on our intuitions about responsibility, but it also has effects that pull in opposite directions in different cases. I think this is particularly suggestive, and revealing of the fact that we *shouldn't* just take all of these intuitions at face value.

So let's look again at the free will case, involving the Diana and Lightning scenarios. Should we trust our intuitions about these cases, or do we have reason to reject them? As I explained above, the intuition about the Diana scenario has been used by incompatibilists to build a case for the incompatibility of determinism and free will. A possible reply by compatibilists – one that I find attractive – is to reject that intuition and to try to explain it away somehow. Compatibilists would have

to explain why it is that Ernie seems not to be responsible in that case, when he is responsible in Lightning, and when it follows from compatibilist views of free will that he is responsible, in both cases.

I am hopeful that compatibilists can do this. A promising route, I think, is to appeal to a ‘dilution of responsibility’ effect that could be influencing our intuitions in these cases.¹² Philosophers such as Singer (1972) and Unger (1996) have appealed to a psychological phenomenon of this kind in trying to explain why it seems to us that certain charitable acts (acts like donating to humanitarian charities) are merely supererogatory, when they’re in fact obligatory. They tried to explain away the appearance that they are supererogatory by suggesting that the fact that others are *also* not helping (thus failing in their moral obligations as well) makes us see ourselves as less at fault than we really are. Regardless of whether Singer and Unger are right about the application to charitable acts, it seems to me quite plausible to think that there is such a general psychological effect, and that it explains the appearance that responsibility is diluted or absent in certain cases where it’s really not.

Also, note that, if there is such a psychological effect, then one can only expect it to be more noticeable when one of the agents involved makes a much more obvious contribution or is in some way more clearly conspicuous; then the responsibility of other agents is likely to seem even more diluted. We all know, for example, that several multi-millionaires around the world could be making large donations to charitable causes. This is likely to make more ‘average’ people feel even less responsible for not doing what they can to help (even if, again, as Singer and Unger argue, this is just an appearance).

This psychological effect, assuming it exists, might explain why we tend to think that Ernie is not responsible in the Diana case but he is in the Lightning case. For, whereas there is no one else to blame for Ernie’s act in the Lightning case, there is in the Diana case: Diana herself. Moreover, given that the story is told from the perspective of Diana, with special emphasis on what she does and why she does it, Diana’s contribution is particularly salient. In this respect, Diana is like one of those multi-millionaires that we’re tempted to blame first for not helping, when we’re tempted to blame someone for that. Our being particularly focused on Diana might help explain why we are less inclined to see Ernie as a responsible agent.

At any rate, I only intend this as a tentative proposal. The main point I want to make here is that there might be ways of rejecting the intuition about the Diana scenario, which would help avoid the commitment to the

new form of luck in this case. (Note that I have focused on the compatibilist's potential take on this, which consists in rejecting the intuition about the Diana scenario. An incompatibilist would of course be tempted to proceed differently, by rejecting the intuitions about the Lightning scenario instead – by arguing that Ernie is not responsible even if he may seem to be. This is another way of avoiding the new form of luck, but it's one that comes at what I consider to be a high price: incompatibilism itself.)

Now let me jump to our third example, the one involving degrees of responsibility, where the presence of other agents seems to have a similar effect: a reduction in the agent's responsibility, in this case by lowering the degree of his responsibility. Could one appeal to a similar psychological effect to cast doubt on some of the intuitions in this case too?

Perhaps, but it's less clear that the strategy would work in this case. The idea would be to appeal to a similar dilution of responsibility effect to undermine the claim that I'm *significantly less* responsible in CASE 2 (the three buttons/three agents case) than in CASE 1 (the single button/single agent case). I might *appear* to be less responsible in CASE 2, due to a dilution of responsibility effect, given that there are other agents who are also responsible, but I'm in fact just as responsible as in CASE 1. By contrast, in CASE 4 (where the other two buttons are replaced with a mechanism) I appear to be as responsible as in CASE 1, or responsible to almost the same degree, because there are no other agents who also bear responsibility for the explosion. Perhaps, then, I'm equally responsible in all of these cases, or responsible to almost the same degree.

Alternatively, one could try to undermine the claim that I'm significantly less responsible in CASE 2 than in CASE 1 in a different way. As we have seen, that claim is motivated by the combination of some assumptions: the assumption that responsibility comes in degrees, together with the assumption that causal contributions come in degrees, together with the assumption that different degrees of causal contribution generate different degrees of responsibility. So one could reject the claim by arguing against one of these assumptions. I find it hard to deny that responsibility comes in degrees, or that degrees of responsibility track degrees of causal contribution, assuming causal contributions also come in degrees. But the assumption that causal contributions come in degrees could be contested.

As we have seen, this assumption can be motivated by the contrast between, in particular, cases of joint causation and cases of overdetermination. When pressing a button is, in the circumstances, sufficient for an explosion to occur, that appears to be a more significant contribution than when other buttons need to be pressed at the same time. But it's

hard to compare contributions outside of those specific contrasts.¹³ Is the pressing of the button a larger contribution than the rigging of the device, or the setting up of the explosives? It's hard to say. It is particularly noteworthy that all the main philosophical theories of causation in the literature are 'on/off' theories (they don't admit of degrees: either you're a cause or you're not; there's nothing like being 'more of a cause than' other things).

So the claim that there is a significant difference in responsibility between CASE 1 and CASE 2 could be contested, in more than one way. And without it the new form of luck doesn't arise, at least not in this manifestation. Still, I'm not fully convinced that this completely eradicates the problem.

Imagine that I dump toxic substances in the drain, and so do several other people. Imagine that a lake becomes heavily polluted as a result. Compare:

(Off the hook) No part of the toxic substances I dumped made it to the lake.

(On the hook) Only a drop of some toxic substance I dumped made it to the lake.

On the assumption that there is resultant luck, the extent of my responsibility for the pollution depends on whether I made *some* causal contribution to the lake's being polluted. In the first case I'm off the hook (with respect to the lake's pollution) because I made no contribution whatsoever. Now, imagine that the above remarks are true and that contributions don't come in degrees (or, even if they do, they don't result in degrees of responsibility; that is to say, all it takes to be fully responsible is to make *some* contribution). Then it follows that, whereas I am not at all responsible for the lake's pollution in the first case, I am fully responsible in the second case, or as responsible as someone who contributed large amounts of toxic substances.

But the difference is just one drop! How can that minute difference result in the difference between *null* responsibility and *full* responsibility? This seems incredible. At the very least, it's extremely surprising. So I'm just not sure how we should tackle this. Either way, there seems to be a problem. As Nagel noted, with respect to the other (more traditional) forms of luck, the only thing that seems clear is that there is an interesting puzzle here.¹⁴

Finally, let us turn to the desert traveler scenario. I believe that this is in fact the *best* case that can be made for the new form of luck. For, recall that

the effect is the opposite in this case as in the other two: here the existence of other agents somehow makes someone *responsible*, when he wouldn't otherwise be responsible, instead of less responsible or not at all responsible. As a result, in this case we can't appeal to anything like the dilution of responsibility effect to argue that our intuitions are mere illusions. In addition, the problem doesn't seem to arise from any suspicious assumptions about degrees of causal contribution, or anything of that kind.

As noted before, the problem in this case arises simply because, when two agents are present, we tend to conceive the outcome as the result of human wrongdoing, as opposed to something that was naturally bound to happen, which is how we conceive it in the natural variations. And it is very hard to shake the feeling that someone *must* be responsible in that case, when the death is the result of human wrongdoing, although no one is responsible in the natural variations.

Some have in fact suggested that no one is responsible in that case, despite initial appearances.¹⁵ Of course, this would be a way to avoid the puzzling new form of luck. But this result seems extremely counterintuitive. At least to me, this seems *even more* counterintuitive than the suggestion that a single drop of toxic substances can make the difference between null and full responsibility for the lake's pollution. For it strikes me as an instance of two wrongs 'magically' making a right.¹⁶

5 Conclusions

I've looked at three apparent manifestations of this puzzling new form of luck. The examples are quite diverse, and so are the puzzles to which they give rise. This means that we shouldn't necessarily expect a uniform resolution of those puzzles. And, indeed, the puzzles seem easier to avoid in some cases than in others. I've explained how one could tackle some of these puzzles, and what the consequences would be in each case. But my ultimate goal has not been to give a full assessment of the examples. My main aim was to draw attention to this interesting phenomenon, to explain how it arises (in its full diversity), and to explain why it's puzzling, more puzzling than the standardly recognized varieties of luck.¹⁷

Notes

1. From Mele (2006a, 2008). As Mele notes, in this case the term 'original design' may be more appropriate than 'manipulation'. But this is purely terminological; what's important is that Ernie's act is the result of the intelligent planning and intentional behavior of another agent.

2. I know of only two exceptions in the literature: Waller (2014) and Barnes (2015).
3. The 'new' form of luck, then, is not new in the sense of falling outside of Nagel's classification (since the classification is meant to be exhaustive), but in the sense of introducing a new source of puzzlement.
4. The case is originally from McLaughlin (1925–6). Hart and Honore (1985) popularized it.
5. See Sartorio (forthcoming1).
6. In Sartorio (2006) I discuss the phenomenon of (non-distributive) collective causation. I argue that it should be cashed out in terms of disjunctive causation.
7. See also my discussion of the 'Two Buttons' example in Sartorio (2004). In that paper I hinted at the possibility of the new form of luck. Parfit considers and rejects the possibility of a similar form of luck in a brief passage; see Parfit (1984: chap. 3, sec. 29). But his examples are different in that they concern imperceptible harms and benefits.
8. Although I'm focusing on causal results here, I think that resultant luck can also arise for non-causal consequences (what's important is that there be some consequences that are outside the agent's control; see Sartorio (2012a)).
9. This view is suggested in Cohen (1981: 75).
10. Zimmerman (1985) argues for this. Parfit (1984: chap. 3) argues for a similar claim about benefits or harms when he criticizes the 'Share-of-the-Total View' (he argues that we shouldn't take the good or bad I do to be just my share, namely the total amount of good or bad divided by the number of people who contributed to it; note, though, that Parfit's claim is not a claim about responsibility). In 2013, Dave Shoemaker ran an informal survey of people's intuitions on these cases on the PEA Soup blog. Several people claimed that I'm 'fully' responsible in CASE 2, or just as responsible as in CASE 1. Perhaps this is the right view to have, I'm not sure. But it doesn't come for free (I discuss this in Section 4).
11. For other arguments for this idea, see Moore (2009). (Moore offers a theory of responsibility based on degrees of causal contribution.)
12. I develop these ideas in more detail in Sartorio (forthcoming2: chap. 5).
13. The distinction between overdeterminers and joint causes is also somewhat artificial, in that overdeterminers are almost never 'sufficient' in the sense of being wholly sufficient by themselves, but only given certain background conditions. Thus the distinction between overdeterminers and joint causes is not the distinction between fully sufficient causes and non-fully-sufficient causes. Zimmermann (1985) notes this, as part of his argument that responsibility isn't shared by multiple responsible agents.
14. Another way out of the puzzle is to grant that there is a significant difference in responsibility between CASE 1 and CASE 2 and to argue that, despite appearances, there is also a significant difference in responsibility between CASE 1 and CASE 4 (because my contribution in CASE 4 is also less significant than in CASE 1, given the existence of the other buttons). Again, I'm not sure that this would work. It's hard for me to give up the intuition that I'm (roughly) as responsible in CASE 4 as in CASE 1.
15. Moore (2009) defends this view, on the basis that neither enemy causes the traveler's death, and the death doesn't counterfactually depend on either of the individual actions.

16. In Sartorio (2012b) I discuss Moore's view in detail, as well as the topic of when two wrongs can make a right and when they cannot make a right.
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