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# Solving the Problem of Resultant Luck: Extrapolating from Hegel

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SOLVING THE PROBLEM OF RESULTANT LUCK:  
EXTRAPOLATING FROM HEGEL

by  
Constance Sutter

A Thesis Submitted in  
Partial Fulfillment of the  
Requirements for the Degree of

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ABSTRACT  
SOLVING THE PROBLEM OF RESULTANT LUCK:  
EXTRAPOLATING FROM HEGEL

by

Constance Sutter

The University of Wisconsin-Milwaukee, 2014  
Under the Supervision of Professor Julius Sensat

The problem of resultant luck leaves us with a dilemma: Reject the intuition that agents should be blamed only to the extent that events depend on factors within their control, or reject the pre-theoretical intuition that agents should be blamed in cases of negligence. Although many potential solutions have been put forth, the problem remains unsolved. In this paper, I diagnose why the problem has been recalcitrant, and I describe what a genuine solution must explain. To illustrate what such a solution would look like, I defend an interpretation of Hegel's concept of action and moral responsibility, and I show how his view explains a deeper puzzle underlying the problem. Extrapolating from the Hegelian solution, I explain what's essential to solving the problem of resultant luck and the problem of moral luck more generally.

## DEDICATION

This thesis is dedicated in loving memory of my grandmother, Constantia Shakalis.

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*“The stone belongs to the devil when it leaves the hand that threw it.”*

*—old proverb*

## I. Introduction

Here's an intuitive claim: Agents should be blamed for events only to the extent that they depend on factors within their control. This is what I'll call the Control Principle.<sup>1</sup>

Suppose Mr. Side is walking along the sidewalk and a sudden gust of wind whooshes him into a nearby pedestrian. He sends her sprawling, and she sustains a hip fracture.

Because the wind is beyond his control, we shouldn't blame him. But now consider Ms. Fir—she decides to amuse herself by burning down a small tree. A sudden gust of wind blows and spreads the fire. Most of the forest burns down. It *seems* like we should blame her. However, if we endorse the Control Principle, then we shouldn't hold her morally responsible—like the case of Mr. Side, the wind causally influenced the outcome, and she didn't control the wind.

We're left with a dilemma: Reject the intuition that the Control Principle is correct, or reject our intuition that agents should be held morally responsible in cases of negligence.<sup>2</sup> Solving this dilemma is the problem of resultant luck, a subspecies of moral luck. The broader problem of moral luck is due to the tension between maintaining the Control Principle and recognizing that actions usually, if not always, depend on factors beyond the agent's control. Different species of moral luck are distinguished by the sort of factors that are beyond the agent's control. Resultant luck occurs when an agent's actions are significantly influenced by the contingent features of a particular sort of situation. For example, the sort of situation for Ms. Fir is setting fire to the tree;

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<sup>1</sup> Dana Nelkin (2013) uses 'Control Principle' to refer to a broader standard: Agents should be assessed to the extent that what they're assessed for depends on factors under their control. I'm restricting my attention to assessing actions.

<sup>2</sup> The problem of resultant luck receives prominent discussion in Smith (1976), Nagel (1979), and Williams (1981).



however, it is a contingent feature of this situation that the wind blew and, thus, a matter of luck that she happened to burn down the forest.

In this paper I diagnose why the problem of resultant luck has been recalcitrant—I argue that many theories fail to address the root of the problem, and I give a plausible solution by showing how Hegel’s moral theory explains this deeper puzzle. After explaining how Hegel would respond to a common question raised in the literature on resultant luck, I will extend his view to show how we can solve the problem of moral luck more generally.

## **II. Responses to the problem of resultant luck**

Some philosophers have urged us to reject or modify the Control Principle—by doing so, we could provide alternative grounds for our moral assessments, where these grounds would not depend on luck (Adams, 1985; Wolf, 1990; Thomson, 1993; Moore, 1997). Others have urged us to accept that what agents are morally assessed for depends on luck, arguing that we must instead modify our moral practices (Browne, 1992). He suggests that theorists haven’t provided the right sort of explanation for rejecting the intuition that moral blameworthiness depends on luck, and without such an explanation, we’re left at an impasse. Domskey argues that the intuition is grounded in two subconscious biases—we selfishly endorse moral standards in our favor, and we expect to be the lucky agents.

While I agree that many authors don’t provide the right sort of explanation for rejecting one of the intuitions, I don’t think that Domskey does either. First I’ll spell out what needs to be explained to genuinely solve the problem of moral luck. Then I’ll illustrate such a solution by highlighting key claims from Hegel’s view, as it is put forth

in *Elements of the Philosophy of Right*. A response to the problem of resultant luck (and, more generally, to moral luck) must explain the sorts of issues that Hegel explains.

### **III. How to solve the problem of resultant luck**

The problem of resultant luck arises in virtue of how some philosophers implicitly conceive of an agent's actions. In cases of negligence, they happen to conceive of actions in two different ways; so, in such cases, they form two incompatible intuitions about blameworthiness. I will make explicit the conceptions that ground our conflicting intuitions.

There appears to be a distinction between an *agent's* actions and mere happenings. For example, if I deliberately raise my hand, this appears to be *my* action; whereas, if my arm begins to spasm and, to my surprise, shoots into the air, then it seems that my arm going up is a mere happening, not my action. This sort of distinction may be drawn when we consider an agent interacting with the world. The agent acts in concert with worldly events, and then events result from this. Some of these consequences may be ascribed to the agent, and the rest are mere happenings. Suppose that raising my arm was my action; even so, when I did this, it caused the air currents in my room to undergo a particular pattern. It doesn't seem like the pattern of airflow should be ascribed to me. Rather, this consequence was a mere happening.

We conceive of a boundary between an agent's actions and worldly events; as shorthand, I'll call this the Boundary. If an event falls within the agent's Boundary, then she is blameworthy (or praiseworthy) for that event. I assume that agents can be responsible for events outside the Boundary, but I will restrict my attention to only those

cases that do not involve this exception, because these are the cases characteristic of the problem of resultant luck.<sup>3</sup> So, for the cases of interest, I will suppose that an agent is morally responsible for events just in case they are her actions. When Mr. Side flew into a nearby pedestrian, this event doesn't count as an action of his. It was just something that happened. In contrast, when Ms. Fir burned down the forest, this event was an action of hers. Our concept of the Boundary grounds our beliefs about when we should hold agents morally responsible. This boundary can be conceived of from two different perspectives, call them the "naturalistic" viewpoint and the "practical" viewpoint. Using the naturalistic viewpoint means adopting a third-person perspective and, in particular, restricting concepts to a naturalistic framework—it precludes talk of intentions, desires, and the like. We understand what the agent does, for example, in the same manner that we might understand what a chemical compound does. Just as we might observe how the compound interacts with its environment and thereby infer which events it's causally responsible for, we might observe how the agent interacts with her environment and infer which events count as her actions.<sup>4</sup> In contrast, using the practical viewpoint means adopting a first-person perspective and, in particular, restricting concepts to an agent's framework. From this viewpoint we can say what the agent did or didn't mean to do, what she foresaw, and so forth.

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<sup>3</sup> I suppose that agents are responsible for events that fall within their Boundary and that they may also be held morally responsible for events that are caused by things they own or persons they supervise. This supposition is consistent with Hegel's view. In §116, he says, "But the damage is more or less my fault, because the things which caused it are after all mine, although they are in turn only more or less subject to my control, supervision, etc., according to their own distinct nature." In this paper, I do not attend to cases where we want to know if the agent is morally responsible for an event that is not *her* action but a consequence of something or someone that, in some sense, belongs to the agent.

<sup>4</sup> One might object that we cannot distinguish between events and actions from the naturalistic framework, as I've described it, because appealing to mental features of the agent is essential to making such a distinction. I will maintain, however, that this distinction is grounded in society's public knowledge and, thus, does not require appealing to any of the agent's mental features.

Solving the deeper puzzle of resultant luck requires explaining why these viewpoints seem to understand the Boundary differently. In cases of negligence, the moral judgments implied by the Control Principle disagree with our pre-reflective intuitions about when to hold agents morally responsible. I will explain what gives rise to this disagreement by showing that each viewpoint happens to conceive of the Boundary differently. Let's return to the cases of Mr. Side and Ms. Fir.

In Mr. Side's case, the Control Principle agrees with our pre-reflective intuitions—he shouldn't be held morally responsible. But, in the case of Ms. Fir, why does the Control Principle yield a moral judgment that contradicts our pre-reflective intuitions? In cases of physical force, such as Mr. Side's, the naturalistic and practical viewpoints agree on how to understand the Boundary. From the naturalistic view, we conceive of Mr. Side's act of walking on the sidewalk as separate from falling into the pedestrian. From the practical view, we recognize that Mr. Side had no reason to expect that he'd be thrust into the pedestrian. From both viewpoints we attribute walking on the sidewalk to Mr. Side, but we don't think that landing on the pedestrian was something that Mr. Side did; rather, it was just something that happened.

The Control Principle disagrees with our pre-reflective intuitions in cases of negligence, such as Ms. Fir's case. This disagreement is due to implicitly using the naturalistic and practical viewpoints which, as currently formulated, imply incompatible moral judgments in cases of negligence. After showing that they lead to incompatible judgments in such cases, I will explain why these viewpoints undergird the disagreement between the Control Principle and our pre-reflective intuitions. From the naturalistic viewpoint, we conceive of Ms. Fir's act of setting fire to the tree as distinct from burning

down the forest. In this framework, we conceive of events being distinct in so far as they are distinct causal factors that explain the outcome in question. In Ms. Fir's case, we think the following: Event 1: Setting fire to the tree (Ms. Fir's action); Event 2: A gust of wind blows (worldly event); and Event 3: The fire spreads, burning down the forest (worldly event). Burning down the forest isn't what *Ms. Fir* did, because this event depended on other causal factors, such as the wind.<sup>5</sup> But from the practical point of view, burning down the forest *is* seen an action of Ms. Fir's. Had she reflected on the consequences of her actions, she could have foreseen that setting fire to the tree might burn down the forest—these events seem conceptually connected. The naturalistic viewpoint doesn't attribute burning down the forest to Ms. Fir, but the practical viewpoint does.

The disagreement between these viewpoints undergirds the disagreement between the Control Principle and our pre-reflective intuitions because these sources of judgment implicitly use the naturalistic and practical viewpoints, respectively.<sup>6</sup> I assume that we pre-reflectively use the practical viewpoint when we determine whether or not an agent should be held morally responsible for a consequence; it's likely that we'd ask ourselves, "Did she mean to? Could she have known better?" The Control Principle gains momentum as a potential way of justifying our moral intuitions in cases of resultant luck

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<sup>5</sup> Contingent features, such as the wind, are nearly always (if not always) present when an agent acts in a particular circumstance or other; therefore, an agent's actions will always depend on factors beyond her control. Nagel first points out that moral luck explains those cases where we don't think agents are morally responsible and then raises skepticism about our moral judgments by showing that moral luck is also present in cases where we pre-theoretically think agents *should* be held morally responsible. In contrast, Hegel first points out luck is always present and, so, gives us no excuse in cases of bad luck (those cases where we moderns pre-theoretically think that agents should not be held morally responsible).

<sup>6</sup> I do not mean that the viewpoints necessarily imply distinct moral judgments in cases of negligence. At this point in the paper, I am referring to the viewpoints as they have been formulated in contemporary times.

(and moral luck more generally). In cases of bad luck we are pre-theoretically inclined to conclude that agents are not blameworthy, and the Control Principle yields this conclusion. Moreover, there's something about contingent features in the agent's context that should explain why this conclusion is justified; e.g., in Mr. Side's case, we want to say that it is \*because of the wind\* that he is not responsible for knocking over the pedestrian. The Control Principle provides the right sort of explanation in this regard as well—Mr. Side is not blameworthy because the wind causally contributes to the outcome in question, and this factor is not within his control. By using the naturalistic viewpoint's method of individuating events, the Control Principle seems to justify our intuitions from the practical viewpoint. However, the Control Principle rarely, if ever, attributes consequences to the agent; the Control Principle appeared to justify our intuitions only because we began by considering cases where the Control Principle and our intuitions agree, cases where we conclude that agents shouldn't be held morally responsible.

Cases of negligence should make us realize that the Control Principle never justified our pre-reflective intuitions. By using both the practical and naturalistic viewpoints, as they are currently formulated, we use different standards for ascribing events to agents. In other words, by using both viewpoints, we can see two ways of circumscribing the Boundary. In cases like Mr. Side's, these viewpoints happen to include the same events within the Boundary. In cases of negligence, however, the viewpoints don't attribute the same events to the agent, and this leads to conflicting moral judgments between those formed via the Control Principle and those via our pre-reflective intuitions. Resolving the problem of resultant luck requires that we explain why the viewpoints do not in fact have conflicting concepts of the Boundary.

We can see why some accounts fail to solve the problem of resultant luck. For example, suppose one argues that we can solve this problem merely by modifying the Control Principle, arguing that events may be within an agent's control, even if those events depend on factors that are not within the agent's control. From the practical viewpoint this new sort of principle is intuitively appealing, because requiring the stricter condition of control seems unnecessary—there are aspects about the agent's mindset that give us sufficient conditions for moral responsibility. For example, one might argue that agents should be held morally responsible if they meant to cause the outcome in question or if they would have, had they reflected on the consequences of the action they planned to perform.

This move is problematic because there's nothing to stop us from adopting the naturalistic viewpoint, and it will motivate the Control Principle. From the naturalistic viewpoint, our concept of the Boundary implies that events belong to the agent only to the extent that they depend on factors within her control. Since the modified Control Principle would permit us to hold agents morally responsible for events that depend on other causal factors, it would permit us to hold agents morally responsible for events that shouldn't be ascribed to them. So, from this viewpoint, the modified principle would be unjustified. As Thomas Nagel argues, "The condition of control does not suggest itself merely as a generalization from certain clear cases. It seems *correct* in the further cases to which it is extended beyond the original set" (1979, p. 26).

One would run into an analogous problem by defending the Control Principle. From the naturalistic viewpoint, this principle is intuitively appealing. But this position is problematic because there's nothing to stop us from adopting the practical view, and it

motivates another standard, such as the mindset condition suggested above. To avoid a stalemate, a genuine solution must give a standard that's motivated by both viewpoints, or it must explain why one viewpoint has primacy over the other.

#### **IV. The Hegelian solution**

Before defending an interpretation of Hegel's concept of action and moral responsibility, here's a sketch what I'll try to show. Pre-reflectively, it seems that the practical and the naturalistic outlooks do not motivate the same moral judgments in cases of negligence. However, Hegel gives an account of action from both of these outlooks, and, if his account is correct, then it implies that some contemporary philosophical conceptions are flawed. This is important if, as I argue, moral judgments are grounded in how we conceive of action. His account implies that the contemporary conception of action from the practical viewpoint is correct, whereas the contemporary naturalistic viewpoint is not comprehensive and, thus, is significantly flawed. Moreover, his account implies that we should reject the Control Principle; cases appear to motivate the Control Principle only if we use the naturalistic viewpoint's misconception.<sup>7</sup> We are no longer left with a dilemma. When the naturalistic viewpoint is developed as comprehensively as the practical one, then they agree on where the Boundary lies. Since each viewpoint leads to

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<sup>7</sup> There are two ways of characterizing Hegel's solution: as a rejection of the Control Principle or as a modification of it. Since it's ambiguous whether Hegel would say that "control" grounds responsibility and it's not my primary interest to convince the reader that his solution provides an acceptable account of control, I am instead casting his solution as a *rejection* of the Control Principle. This does not preclude the possibility that his solution may be construed as a modification of the Control Principle, one could reasonably argue that the very conditions he takes to ground moral responsibility are those that ground control (under some interpretation of 'control'). A likely account of control that would suit such an argument would probably understand having control over an event as, roughly, having the ability to foresee that event, where society's knowledge constrains what an agent can foresee.



the same concept of the Boundary, they ground the same moral judgments (even in cases of negligence).

I argue that Hegel's concept of rationality explains what led to the problem of resultant luck. Here I'll sketch the sense of 'rationality' I have in mind. I will restrict my attention to 'rationality' as applied to society, where society is rational to the extent that it provides the conditions for effectively giving and receiving, accepting and rejecting reasons. To the extent that a society is rational, its members work together as a team and they do so for the sake of the society itself. Promoting society's rationality involves mutually agreeing on concepts and norms, and talk of such agreement or disagreement will provide the conceptual machinery for explaining the problem of resultant luck. Later I will elaborate on what exactly such mutual agreement amounts to; for now I will sketch how this explanation will go.

Hegel's theory suggests that the problem of resultant luck is symptomatic of the need for conceptual reconciliation within our philosophical reflections; this problem should not lead us to adjust our ordinary moral assessments. Our contemporary society has developed mutually incompatible concepts of actions, and when philosophers try to make sense of our ordinary moral assessments, they draw on these incompatible concepts of action. Let me elaborate. In contemporary society, we have developed practices that rely on the practical viewpoint and practices that rely on the naturalistic viewpoint. Within each practice, there is agreement (more or less) as to how to conceptualize actions. However, when philosophers employ *both* of these viewpoints to determine how to morally judge agents, then they reach disagreement (as illustrated in cases of negligence). This lack of agreement reflects a way in which our society is irrational;

members of society do not mutually agree on a concept of action. When philosophers form pre-theoretical moral judgments, they implicitly use a concept of action that draws the Boundary with a wider scope than the concept of action that we implicitly use when we maintain the Control Principle. Consequently, they can form conflicting moral judgments when we consider cases of negligence. It appears that the debate over resultant luck has reached a stalemate because the conceptual tug-of-war between the naturalistic and practical viewpoints hasn't made any headway—neither side is able to convince the other side that their viewpoint is the correct one (the *only* correct one). Under Hegelian lights, this stalemate is symptomatic of the need for reconciliation of our philosophical conceptions; philosophers are trying to form a description of action and moral responsibility that is coherent with the various ways they, as members of society understand the world, one that is coherent with both the practical and naturalistic viewpoints. Solving the problem of resultant luck requires developing a concept of action and, thus, moral responsibility that is compatible with the both the practical and naturalistic viewpoints. Now I turn to Hegel's account to show how his theory does just this.

## **V. What does Hegel say about luck?**

According to Hegel, outcomes are always a matter of luck, but this fact doesn't undermine moral responsibility:

It is certainly the case that a greater or lesser number of circumstances may intervene in the course of an action. In a case of arson, for example, the fire may not take hold, or conversely, it may spread further than the culprit intended. Nevertheless, no distinction should be made here between good and ill fortune,

for in their actions, human beings are necessarily involved in externality (§119, *Addition*).

Acting requires that humans interact within a context, with factors *other than themselves*—these factors are what Hegel means by ‘externality’. Because outcomes depend on causal factors within that context, circumstances may unexpectedly thwart an agent’s plans. For the arsonist, her plan to set one tree on fire might unexpectedly lead to burning down a forest; the wind might pick up and spread the fire farther than she wanted. Hegel implies that bad luck doesn’t excuse agents from being blamed for their actions; e.g., in the arsonist’s case, bad luck doesn’t excuse her from being blamed for burning down the forest.

Instead, moral judgments are grounded in an agent’s volitions: “An old proverb rightly says, ‘The stone belongs to the devil when it leaves the hand that threw it.’ By acting, I expose myself to misfortune, which accordingly has a right over me and is an existence of my own volition” (§119, *Addition*). Hegel suggests that agents should be held morally responsible in cases of resultant luck because exposing oneself to luck is, in some sense, an *existence of one’s volition*. To give a picture of what he means by this phrase, let’s consider an analogy. When people decide to play craps, they willingly expose themselves to good or bad fortune, knowing that the outcome of their moves depends on the roll of the dice. Similarly, agents can willingly expose themselves to good or bad fortune, knowing that the outcome of their actions depends on circumstantial factors. To say that these fortunate or unfortunate outcomes are ‘the existence of their volitions’ means that the agents had the idea that these outcomes were possible, and the occurrence of these outcomes is the physical existence of what they had in mind.

My interpretation of Hegel's concept of volitions and their relation to consequences is, thus far, oversimplified. It would be misleading to suggest that consequences should be understood merely as the physical instantiation of what the agent had in mind. Moreover, to say that an agent 'had in mind' a possible state of affairs is not to suggest that she *consciously* considered that state of affairs. To further unpack what Hegel means when he says that fortune or misfortune is the existence of an agent's volition, I want to consider some commitments that drive Hegel's arguments in the *Philosophy of Right*.

## **VI. Hegel's concept of freedom**

I assume that Hegel's concept of action is grounded in his concept of freedom; how we understand ourselves as agents is guided by our continual struggle to further actualize our freedom. Actualizing one's freedom, for Hegel, is experienced as feeling at home in the world, in contrast to experiencing the world as an alien territory. I use 'the world' very broadly to include not just one's *circumstances* but one's *behavior* as well—we should not experience our behavior as an alien phenomenon. For example, if I raise my hand in class, I at least implicitly recognize raising my hand as something I did, as an event that should be ascribed to me. If this event were to feel alien, however, I would understand the event as an occasion where my arm went up—my arm going up is just something that happened, not something that I did.

When our behavior doesn't feel alien it feels like those events belong to us. I assume that, for Hegel, this experience of belonging is due to having a concept of the world that is confirmed by one's experiences. For example, if I form a concept of my

near future behavior as keeping my hands down but then my hand actually shoots up, it feels like my behavior is alien to me. Similarly, if I had no idea of my near future behavior and then my arm shoots up, this will take me by surprise and my behavior will feel alien to me. These examples illustrate that feeling at home in the world is due to the active process of making sense of the world. By contrast, let's consider another sense of feeling home in the world, where this sense is not due to an active process. For example, imagine a caricature of a hippy who travels from place to place. He always feels comfortable with where he is and what he does. Under Hegelian lights, this hippy is not actualizing his freedom; although his experiences do not conflict with his expectations, he does not belong anywhere either. The sense of feeling at home in the world is richer than merely not feeling conflict. It is more like the feeling a botanist might experience when walking in a green house. She knows the name of every plant and how each will grow in that environment; as she walks through the greenhouse she observes things in the world and links them to the ideas that she's already familiar with. She feels at home because she matches her concepts of greenhouse to the greenhouse itself.

Fundamentally, actualizing one's freedom is the activity of making sense of the world. To the extent that we recognize the world with compatible and comprehensive representations, we feel more at home in it. One aspect of actualizing our freedom involves understanding ourselves as agents, and I assume that developing this conception is one of Hegel's primary tasks in the morality section of the *Philosophy of Right*. There are multiple ways of understanding ourselves as agents, and a comprehensive conception should reconcile these various descriptions. To lay out how Hegel justifies his concept of action, I will consider the role of his logic in the *Philosophy of Right*.

## VII. Hegel's logic

I assume that Hegel's arguments in the *Philosophy of Right* implicitly rely on his logic as a standard for justification. He shows that his logic may serve as such a standard in the *Phenomenology of Spirit*, where he demonstrates that we undergo a particular sort of psychological process when we develop increasingly comprehensive conceptions of the world. I interpret the *Philosophy of Right* as using this process and, thus, as implicitly justifying Hegel's final concept of action by arriving at it through this sort of process.

I will describe this process epistemically and phenomenally; the former will draw attention to how this process guards against overconfidence in one's beliefs, and the latter will provide a framework for understanding why action is instrumental to actualizing freedom. Explained epistemically, the process goes like this: we begin with a partial understanding of something and then, through reflection or experience, we become aware of something that is not included in our initial understanding. We then develop a more comprehensive understanding when we reconcile these two ideas by understanding how they are different aspects of one thing. Explained phenomenally, we begin feeling confident about our understanding, but then further reflection or experience reveals a seemingly incompatible conception. This doubt is then surmounted by reconciling these understandings, and we feel confident about the newly formed conception. The process is a cycle, moving through the sequence confidence, doubt, reconciliation, and then back to confidence.<sup>8</sup> Let me give an example.

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<sup>8</sup> My interpretation of Hegel's logic is in line with the interpretation put forth by Burbidge (2006).

Suppose you're standing at a traffic light and a noisy car stops near you. First you hear a particular noise at one frequency, but in the next moment you hear another noise at a different frequency. This second noise leads you to doubt which tone you actually heard; for example, you might think, "Was it C or G that I heard?". But then you realize that the car next to is playing music. You overcome your former sense of conflict because you realize that you heard distinct notes; so, you no longer contemplate which note it must have been. When you recognized each note in isolation, it didn't fully explain what you heard; this is because each note was just a moment in the song. By recognizing that the notes were different aspects of one song, you gained a more comprehensive understanding.

More generally, we understand the world in different ways, and we gain a more comprehensive understanding when we recognize how our various conceptions fit together. Hegel reconstructs how agential action has been understood, and he suggests how we can reconcile these conceptions. By interacting with the world we expose ourselves to potentially new experiences, and such experiences can lead us to doubt and revise our previous conceptions of things in the world, including our conceptions of agents. From the practical viewpoint, we can better understand the agent's mindset—what Hegel eventually refers to as *Absicht*, her intention. From the naturalistic viewpoint, the agent is understood by her functional role within a causal nexus, and, when she interacts with the world, we can better understand which events should be ascribed to her.<sup>9</sup>

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<sup>9</sup> In light of these considerations, we can begin to see why luck doesn't undermine agency. Our conceptions of particular agents are provisional, and unexpected results enable us to better understand

In the *Philosophy of Right*, Hegel makes precise how we can better understand agents from both of these viewpoints. Within each viewpoint, he argues according to the process of his logic; his sequence of moves could be roughly characterized as follows: He puts forth one way of understanding action and then he puts forth a seemingly incompatible but equally intuitive conception. He then shows what the correct concept of action must be by showing that it reconciles the seemingly incompatible conceptions. In the next couple sections I will describe these arguments in detail.

### **VIII. Hegel's argument from the practical viewpoint**

He begins by describing deeds and purposes—two aspects of action that are relevant to determining which events an agent should be held responsible for. Hegel distinguishes between what we would now call legal responsibility and moral responsibility, which he describes as being responsible (*Schuld*) and being imputable, respectively. He shows that each of these types of responsibility cannot be fully determined by either an agent's deed or her purpose; each of these concepts of action gives us only a partial understanding of action. He proposes that, instead, we should use the agent's *intention* to delimit which events should be ascribed to her. His concept of intention incorporates an agent's deed and purpose and, thereby, preserves the motivations behind using each of these aspects to understand an agent's action. His meaning of 'intention' differs from many contemporary uses of the term, and I will return to its meaning after filling in the details of his argument.<sup>10</sup>

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agents. So, it turns out that luck is not a threat to anyone's agency; rather, it is integral to furthering our understanding of them as agents.

<sup>10</sup> I limit my interpretation of Hegel's concept of intention to how it fixes the scope of the Boundary. I admit that intentions do not just fix the Boundary, they reflect what the agent values, the ends that she finds



Agents have an idea of the events that they would like to bring about, and the actual consequences that they cause constitute what Hegel calls the agent's "deed". He does not think that agents should be held morally responsible for *any* consequence brought about by the agent; rather, they should be responsible for those events that were *theirs*, events that would count as their actions. Hegel says, "The *deed* posits an alteration to this given existence [*Dasein*], and the will is entirely *responsible* for it in so far as the abstract predicate 'mine' attaches to the existence so altered" (*PR*, §115). To identify which events belong to an agent, he argues, we need to consider her "purpose". An agent's purpose is what she knows will happen as a result of her efforts.<sup>11</sup> It is important that we consider the agent's knowledge when identifying which events should be ascribed to her, because the events in question should be an expression of her will. Hegel uses the story of Oedipus to illustrate this point—since Oedipus didn't know that the man he killed was his father, he shouldn't be accused of parricide.

We can explain why Hegel thinks agency is tied to knowledge by returning to his concept of freedom. If an event is not mine, say, then it feels alien to me. What grounds this sense of alienation is a lack of understanding on my part. As an agent, I didn't have an idea of the results of my efforts and, thus, the consequences struck me as foreign. Hegel says, "In so far as my thinking and volition are rational, my point of view is not

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worth pursuing. Explaining how Hegel understands intentions in this latter regard is essential to showing that his account of responsibility can make the conceptual distinctions that it ought to—it is necessary for a plausible account of legal and moral responsibility that we be able to, for example, distinguish between agents that wanted to bring about the harm they in fact caused and those that didn't. I would like to provide such an analysis, but my partial exposition should be enough to show how we might solve the problem of resultant luck.

<sup>11</sup> It is unclear whether or not the agent must consciously be aware of what would occur, and I don't think taking a stand on this issue is essential for my purposes. So, I will not say anything else in this regard.

that of finitude, because the object [*Gegenstand*] upon which I act is not something other in relation to me” (*PR*, §117 *Addition*). When an agent foresees the consequences of her efforts, it can be said that her thinking and volition are rational, because her concepts of herself and the forthcoming events match her later experiences. When an agent doesn’t foresee these consequences her viewpoint is limited—its representation is only partially true of the world. To the extent that a viewpoint is accurate, however, we can say that the ‘point of view is not that of finitude’, and, to this extent, agents experience consequences as their own, not as belonging to an ‘other’.

According to Hegel, there is reason to consider an agent’s deed as well as her purpose when we want to decide whether or not an event should be ascribed to her. On the one hand, it seems we should judge actions by their consequences. On the other hand, it seems we should restrict our judgment to the agent’s purpose, as there will always be unforeseen consequences that the agent doesn’t mean to bring about. Each of these conceptions provides us with a partial understanding of action. Hegel asserts, “The maxim [*Grundsatz*] which enjoins us to disregard the consequences of our actions, and the other which enjoins us to judge actions by their consequences and make the latter the yardstick of what is right and good, are in equal measure [products of the] abstract understanding” (§118). For Hegel, being a product of the abstract understanding means being an idea that has been abstracted away from a more comprehensive idea, giving us only a partial understanding of the whole picture. So, imputing events to an agent must involve more than considering either her deed or her purpose.

He resolves the conceptual tension between deeds and purposes by proposing that we’re responsible for exactly those events included in our “intention”. The transition

from purpose to intention extends the set of events that an agent may be held morally responsible for. The agent is responsible for, not only those events that she knew would happen, but also those events that she *should have known* would happen. Hegel says, “The transition from purpose to intention consists, then, in the fact that I ought to be aware not only of my individual action, but also of the universal which is associated with it” (§118 *Addition*). I assume that Hegel distinguishes between the universal *nature* of an action and the universal *predicate* of an action. In the aforementioned quote he suggests that agents should be aware of the universal nature of their actions by conceiving of their actions under their universal predicate. He makes this clearer in the section that follows that passage, where he illustrates his point by making sense of a particular case of arson:

To judge an action as an external deed without first determining whether it is right or wrong is to apply a *universal* predicate to it, classifying it as arson, murder, or the like. – By its determination, external actuality consists of *individual units*, which shows that external *connections* are inherent in its *nature*. Actuality is touched in the first instance only at an individual point (just as in arson, the flame is applied directly only to a small portion of the wood – this yields only a proposition, not a judgment), but the universal nature of this point implies its expansion (§119).

Given what we know about fire, setting fire to the wood implies that the fire might spread. The individual act is setting fire to the wood, and the universal nature of this action includes setting fire to wood and the expansion of the fire. “Arson” is the universal predicate applied to this broader set of events. An agent’s purpose represents her individual action, and Hegel urges that we ought to hold agents accountable for more than this. To treat agents with dignity, we must treat them as thinking beings (§§118 *Addition*, 120). How extensively an agent has *actually* conceived of her actions shouldn’t

delimit the scope of events that are ascribed to her; rather, how extensively an agent *could* conceive of her actions should delimit this scope. If an agent's society has developed concepts that would enable her to make sense of her actions more comprehensively, then she should be expected to consider such concepts. If an agent's society has developed the concept of arson, then she ought to be held morally responsible for all the events that are implied by this concept. Let me show that this suggestion is intuitive.

Suppose that Ms. Fir used to live on a peculiar island, one where no one had seen or heard of fire. But one day she moves to South Dakota. When her newfound acquaintances notice that Ms. Fir doesn't know what "fire" refers to, they give her matches and show her how to light a candle. After her acquaintances leave, she decides to amuse herself by setting fire to a little tree, and she unwittingly burns down the forest. She isn't blameworthy, because she shouldn't have known better. However, if we imagine that Ms. Fir had always lived in South Dakota and that she knew about the dangers of fire, then we'd consider her blameworthy. She could have reflected on common knowledge to foresee that burning the forest was a possible consequence of setting fire to the tree. Society's knowledge determines which events count as Ms. Fir's actions and which ones count as mere happenings.

What an agent should know depends, at least in part, on society's knowledge. What an agent should know isn't strictly determined by society, for an individual can influence what her society takes itself to know. Moreover, society's body of knowledge is not set in stone; it may be revised or made more comprehensive. What's important

here is that the transition from purpose to intention gives importance to public knowledge, in addition to the agent's knowledge.

It's natural to then wonder how to arbitrate which events should be ascribed to the agent, if the individual's conception of her action is different from society's conception of it. Hegel suggests a reply, if we restrict our attention to cases of resultant luck. In such cases, one of two possible situations obtain: 1. Neither the individual nor society foresees the consequence in question; in which case, the individual's conception is not different from society's in any relevant way. 2. Society foresees a consequence that the agent didn't; here there is a relevant difference between the individual's conception and society's.<sup>12</sup> Hegel suggests that in such cases the socially predictable consequences should be ascribed to the agent. For example, if the fire does in fact spread, then the agent should be held morally responsible for the subsequent fire damage, since she should have known that this was a possible consequence of setting fire to the wood.

In cases of resultant luck, society's knowledge takes priority over the individual's knowledge when attributing moral responsibility. It is somewhat ambiguous whether Hegel would say that this priority holds outside cases of resultant luck<sup>13</sup>; because his examples are restricted to cases where society's knowledge could predict the consequences in question, he doesn't explicitly take a stand on what we should conclude

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<sup>12</sup> One might then wonder what should be said about cases where the individual foresees the relevant consequence but society doesn't. This sort of case is not an instance of resultant luck. I think this point can be made clear by considering an example. Suppose that a misanthropic scientist devises an instrument to cause great harm, but it's such a novel instrument that society has no idea of its possible uses. If the scientist does in fact cause harm, she is responsible for a direct harm; this case is clearly not an instance of negligence.

<sup>13</sup> It seems more consistent to understand him as claiming that whichever source of knowledge is more comprehensive delimits the events which should be ascribed to the agent. Since agents should be treated as thinking beings, they should be held morally responsible for the consequences *they* could have foreseen, even if society couldn't have foreseen them.

if the agent's knowledge is more comprehensive. Since the problem of resultant luck is concerned with only this sort of case, I will set aside this interpretive issue.

It does seem clear, however, that both sources of knowledge are essential to imputing moral responsibility. Suppose that society's knowledge is more comprehensive than the agent's, and that the harmful consequence in question was predictable. Then society's knowledge tells us that the agent is blameworthy for this consequence. Even so, the agent's knowledge still plays a crucial role. The agent's awareness of her actions determines whether her action counts as a direct harm or an indirect harm. For example, if an agent were to deliberately burn down a forest, then she is morally responsible for a direct harm, whereas if she accidentally burned it down, then she is responsible for an indirect harm. More generally, if events unfold according to her conception of how things will go, then she is responsible for a direct harm. However, if she causes harm, but she didn't foresee this as a result of her initial act, then she is responsible for an indirect harm. Hegel suggests this when he asserts that, "...it is in the nature of the finite deed itself to contain such separable contingencies. – The notion of *dolus indirectus* was invented for the reason [*Grund*] just considered" (§119).

Let me summarize the key points from this section. For Hegel, agents are morally responsible for those events that they should have foreseen, namely, those that fall under their intention. In cases of resultant luck, society's knowledge delimits the scope of events that belong to the agent's intention—society's knowledge delimits the scope of events that its members can understand as possible consequences of a particular action or other. From the practical viewpoint, then, society's knowledge circumscribes the Boundary in cases of resultant luck.

## IX. Hegel's argument from the naturalistic viewpoint

Hegel moves from the practical viewpoint to the naturalistic one as he draws out his concept of intention.<sup>14</sup> This shift is first flagged by his talk of the 'external existence of actions' (§119). Before this point, he described the internal existence of actions—the agent's conception of her actions—and now he'll consider actions from a third-person perspective. He describes actions first as an infinite sequence of events and then as the first event in this sequence. He eventually concludes that neither of these conceptions is exactly correct. Rather, actions should be circumscribed by their universal nature.

Let me motivate each of the inadequate conceptions of action. The conception of action as an infinite sequence of events is the sort of naturalistic conception that could be motivated by the butterfly effect; so, let's call this Butterfly Effect Conception.<sup>15</sup>

According to the butterfly effect, small changes can eventually lead to surprisingly significant changes; e.g., a butterfly flapping its wings could change air currents in such a way as to eventually cause a hurricane. If someone asked, "What did the butterfly do?" It would make sense to answer that it caused a hurricane, to suggest that this event belongs to the butterfly. Under this conception of action, *every* consequence that results from the butterfly flapping its wings should be attributed to the butterfly. Other sorts of discourse don't motivate such a long-view attribution of events. For example, suppose that the person asking about the butterfly had in mind a different question than we thought. She might say, "No, I didn't mean "What did the butterfly *do*?" ... I meant,

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<sup>14</sup> His method of moving between these viewpoints reflects his treatment of the first-person and third-person perspectives as providing descriptions of different aspects of actions. He discusses the meaning of action as one might discuss the meaning of a song. It would seem natural to move between what the artist had in mind and what the audience interpreted the song to mean.

<sup>15</sup> I am not suggesting that Hegel had in mind the butterfly effect; I mention this phenomenon merely to make intuitive the general way Hegel seems to be thinking about event attribution.

“What did the *butterfly* do?” This person wants to know which effect is most closely associated with the butterfly within this sequence of events. In this case, the appropriate answer would be, “It flapped its wings.” Let’s call this conception the Causal Role Conception, as it can be motivated by the desire to identify something’s causal role within a sequence of events. Hegel suggests that this conception is an inadequate way of understanding agential action because it provides only a partial understanding: “To attempt to justify something in terms of its intention is to isolate an individual aspect completely and to maintain that it is the subjective essence of the action” (§119). Consider how we might apply the Causal Role Conception to the case of arson. What did the *agent* do? She set fire to the wood. Hegel suggests that taking this event as the essence of her action is misguided because it is an isolated aspect of her action, and her action is in fact more comprehensive.

In the following passage, Hegel describes the conceptions that I’ve been calling the Butterfly Conception and Causal Role Conception, respectively: “The external existence [*Dasein*] of an action is a varied set of connections which may be regarded as infinitely divided into *individual units* [*Einzelheiten*], and the action itself can be thought of as having touched *only one of these units in the first instance*” (§119). Hegel finds both of these conceptions unsatisfying. The Causal Role Conception cannot account for the fact that an agent’s initial action may be connected to some consequences. For example, when the arsonist sets fire to the wood, burning down the forest is conceptually connected to it, such that this consequence should be attributed to her too. The Butterfly Effect Conception implies that there are events which don’t seem to express the agent’s intention. If burning down the forest causes the neighbor’s dog to become nervous and



knock over expensive pottery, it doesn't seem like knocking over the pottery is conceptually connected to setting fire to the wood. This consequence doesn't seem to express the agent's intention. Hegel suggests that the universal nature of an action reconciles these conceptions; he proposes that action is a finite sequence of events that isn't necessarily limited to the first event in the sequence: "...the truth of the *individual* [*des Einzelnen*] is the universal, and the determinate character of the action for itself is not an isolated content confined to one external unit, but a *universal* content containing within itself all its various connections" (§119). The universal nature of an action includes the initial act and the subsequent events that are connected to the initial act—I will elaborate on what sort of connection Hegel has in mind.

In the previous section of this paper, I discussed Hegel's conception of the universal nature of actions in terms of the consequences that are conceptually implied by the initial action undertaken by the agent. I will now discuss how he describes the universal nature of an action in naturalistic terms. He says, "In living organisms, the individual [component] exists immediately not as a part, but as an organ in which the universal as such has its present existence. Hence in murder, it is not a piece of flesh as an individual entity which is injured, but the life itself within it" (§119). Since this passage immediately follows his discussion of individual versus universal aspects of an action, he is likening individual actions within a context to organs within an organism. Organs cannot be fully understood in isolation of their functional role within the organism. Similarly, an agent's action cannot be fully understood in isolation of its functional role within a context. For example, if an agent stabs someone, we would not fully comprehend the action if we described the agent's action merely as stabbing flesh.

Rather, this action should be understood as murder (or attempted murder), because stabbing someone functions to remove someone's means of preserving their life. By 'functional role' I mean something more restricted than all of the action's causal dispositions within a context; it has a teleological sense as well. The functional role of an individual action is the set of consequences that are predictable from society's knowledge. If a consequence is predictable, then it is a possible goal of the individual action. If it is well known, for instance, that stabbing flesh is instrumental to killing someone, then stabbing flesh is implicitly understood as serving the goal of killing someone. More generally, the set of predictable consequences of an action tell us the functional role of an individual action, and this role constitutes its universal nature.<sup>16</sup>

Perhaps Hegel thinks that agents should be held morally responsible for every causal role an action plays, such that they should be held responsible even for those consequences that could not be predicted by society. However, there are plenty of reasons to think otherwise. Hegel never explicitly supports this view, as far as I'm aware. Moreover, all of his examples describe consequences that society *is* aware of. When the arsonist sets fire to the wood, it's predictable from common knowledge that the fire might spread. When the murderer stabs someone, it's predictable that the victim might die. He never suggests that agents should be held morally responsible for some unforeseeable consequence or other.

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<sup>16</sup> Perhaps Hegel meant the organism analogy in a stronger sense; perhaps society is like an organism, and this implies that social progress is an end in itself and the actions undertaken by individuals can be understood by the role they play within a society. I will assume that this stronger interpretation implies the weaker one I am putting forth. For my purposes, it isn't necessary that I address this interpretative issue; so, I will set it aside.

According to Hegel, then, the universal nature of an action is a stretch of events, which consists of the initial action and the consequences that can be predicted from the initial action, and agents are morally responsible for those events that fall under their society's understanding of an action's universal nature. To illustrate this analysis, consider again the case of Ms. Fir setting fire to a tree in the forest. It is common knowledge that if one tree is on fire, then the fire can spread to nearby trees. Since the possibility of burning the forest is connected in this way to setting the tree on fire, burning the forest is included in the universal nature of Ms. Fir's action. Therefore, if the forest burns down, she should be held morally responsible for it.

#### **X. The viewpoints circumscribe the same Boundary**

From the practical and naturalistic viewpoints, respectively, Hegel describes the Boundary by delimiting the contents of the agent's intention and then by delimiting the sequence of events that count as the agent's action. In cases of resultant luck, society's knowledge determines where this boundary lies. From the practical viewpoint, an agent should foresee those events that generally follow from her initial action, given her society's public knowledge. From the naturalistic viewpoint, an agent's action should be understood as the initial action plus all of the events that are predictable consequences of her initial actions, given her society's public knowledge. These viewpoints agree on which events belong to the agent, because they ultimately rely on the same criterion. Since both views attribute the initial action to the agent, we can characterize the criterion as follows: An agent should be held morally responsible for an event if it's her initial

action or if it's public knowledge that this event could have followed from the initial action.<sup>17</sup>

## **XI. What gave rise to the problem of resultant luck?**

I argued earlier that the incompatible moral judgments in cases of resultant luck are due to our incompatible concepts of action. I will make this explanation precise by using the terminology from the previous two sections. The naturalistic viewpoint, as it is implicitly understood in contemporary philosophical debates, has a misconception of action which circumscribes the Boundary per the Causal Role Conception. Using the contemporary practical viewpoint, however, we circumscribe the Boundary correctly, with the same scope as Hegel's concept of intentions—we moderns have the pre-theoretical intuition that there are cases of resultant luck where agents should be held morally responsible because we implicitly think that in such cases the agents should have known that the consequences were a possible result of their efforts. Because philosophers have not adequately developed the naturalistic viewpoint's concept of action, they form moral judgments that are incompatible with those they form in the practical viewpoint.

Hegel's theory makes conceptual distinctions which suggest that the problem of resultant luck is ultimately due to a misconception of action. But, extrapolating from his theory, we take a step further and provide a *social* explanation of the problem. To do

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<sup>17</sup> Does Hegel think that agents should be held morally responsible for predictable but very unlikely events? It's ambiguous what Hegel would say exactly. If the outcome is predictable, then this unlikely outcome is conceptually connected in the right way to the agent's initial act; so, society would be justified in holding the agent morally responsible. Would Hegel think that agents are less blameworthy when the outcome in question is very unlikely? We should distinguish between two interpretations of this question: Does Hegel think it would be *contextually* justified to deem agents less blameworthy for less likely events? Does Hegel think it would be *rationally* justified? Contextual justification is determined by the norms mutually agreed to in a society; so, whether agents are less blameworthy for less likely events is determined by the society in question. Would this principle be endorsed in an ideally rational society; i.e., is this principle rationally justified? I don't recall Hegel implicitly or explicitly talking of probability in this way; so, I'm not sure.

this, let me begin by explaining what Hegel's theory implies about society's role in developing concepts. Forming concepts is not merely an individual effort, done independently of what others think. Rather, the content of our concepts is determined by the society we're situated in. For example, what it is to be a student isn't whatever I take it to be. I may think that a student is someone who diligently studies a particular subject, but my conception doesn't make it so. Rather, this is determined by what members of society mutually decide a student should be; e.g., in contrast to my conception, contemporary society considers someone a student if she enrolls in an educational institution, regardless of whether or not she in fact studies. This is not to say that decisions about concepts are made at one time, nor to say that the meanings stay the same. Rather, for Hegel, concepts are provisional and, oftentimes, gradually determined.

Within a society, members may disagree on what a concept should mean, and, to the extent that they reach agreement, we can say that their society has achieved a greater degree of rationality. A society is rational when its structure provides the conditions for giving, receiving, accepting and rejecting reasons.<sup>18</sup> When members of society mutually recognize concepts and norms, they have a system for identifying what counts as a reason. Consequently, a society becomes more rational when more of its concepts and norms are mutually recognized as legitimate. When there is disagreement, there is a struggle for social recognition. Hegel illustrates this sort of struggle when he uses examples from Sophocles' play *Antigone*. There is a clash between Antigone's duty as a family member and the state's duty to abstain from honoring political traitors. Contra the

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<sup>18</sup> I am drawing my understanding of Hegel's concept of society as rational from the third section of *Philosophy of Right*, Ethical Life (*Sittlichkeit*). My analysis is consistent with the interpretation put forward by Pippin (2008).

state's edict, Antigone argues that her brother Polyneices deserves a burial—she is implicitly arguing that society should recognize *her* norm as legitimate.<sup>19</sup>

For Hegel, our blame practices can be justified<sup>20</sup> in so far as there is a rational structure that arbitrates how to issue moral judgments. But in contemporary times, our society is to some extent irrational in this regard. As members of society, we do not mutually recognize a particular concept of action, and unless philosophers adjust these concepts, they cannot justify our blame practices. We can give a rough explanation for what led to this problem by explaining how there came to be such incompatible viewpoints. The narrative could go something like this: The naturalistic and practical viewpoints are different but equally legitimate ways of making sense of the world, but they were initially developed to comprehend different aspects of the world. The naturalistic viewpoint is suited for developing one's understanding of natural phenomena, such as the sort of framework used by researchers in the natural sciences. In contrast, the practical viewpoint is suited for making sense of rational beings, in terms of their psychological properties. When philosophers use both of these viewpoints, however, they may initially disagree on how to understand the relevant phenomenon. This is what grounds the problem of resultant luck. When philosophers consider our legal and moral practices, they can use both the naturalistic and practical viewpoints. As these viewpoints are currently understood, they permit philosophers to form incompatible moral judgments (at least in cases of negligence). To solve this problem, philosophers

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<sup>19</sup> *Phenomenology of Spirit*, §§ 470 - 471.

<sup>20</sup> To clarify what sort of justification I have in mind, I will borrow a distinction used by Alznauer (forthcoming), cited with permission. In the above text I mean contextual justification, as opposed to rational justification. I assume that these sorts of justification differ by what they take as the standard of justification for a practice. Contextual justification uses the reasons endorsed within a particular context or other. Rational justification uses the standards implied by Hegel's logic—those standards that are the most conceptually developed. In section XIII, I elaborate a bit on this distinction.

should mutually recognize a particular concept of action, and, under Hegelian lights, this would mean revising the contemporary naturalistic viewpoint of action.<sup>21</sup>

## **XII. Answering a contemporary question under Hegelian lights: A tale of two arsonists**

Oftentimes the problem of resultant luck is inspired by relaying a particular sort of story. Because responses to this story play an important role in contemporary debates, I'll describe the response that's implied by the Hegelian view. Suppose that Ms. Fir has a brother, Mr. Fir, who also likes to set things on fire. On the same day that Ms. Fir had burned down the forest, her brother had set fire to a tree. Since the wind didn't pick up in his region, however, the fire didn't spread. Is Ms. Fir more blameworthy than Mr. Fir, or are they equally blameworthy? If they are not equally blameworthy, then blameworthiness depends on luck. This sort of story serves as a challenge to any account of moral responsibility. If an account implies that blameworthiness depends on luck, then it had better explain why this sort of blame practice is justified.

According to the Hegelian view, blameworthiness ultimately depends on luck. To illustrate why he thinks that this fact doesn't undermine our blame practices, let's elaborate on the analogy of persons playing craps. Suppose that there are two craps tables, where Ms. Tab is playing at one table and Mr. Tab is playing at the other. They happen to place their bets in the same manner, but, because the dice rolled differently at each table, Ms. Tab loses \$300, whereas Mr. Tab loses only \$10. The rules of craps

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<sup>21</sup> One might also wonder whether solving the problem of resultant luck is a matter of making society more rational by getting members of society to mutually agree to a particular conception of agential action. Although I think the root of resultant luck is due to society being irrational in the relevant way, I do not think changing how members of society understand agential action is necessary for enabling philosophers to justify our legal and moral practices.

imply that money loss largely depends on luck. This practice doesn't seem unjustified, however. It is well-known that these rules are in effect, and we should treat participants as implicitly endorsing these rules when they decide to partake in the game.

Similarly, what we do as agents depends on luck, and so the practices based on our actions are ultimately a matter of luck. In particular, blameworthiness ultimately depends on luck because what an agent does depends on luck. However, so long as blame practices are implicitly endorsed by those engaged in that practice, then they are justified. Implicit endorsement is grounded in the rationality of the relevant social structure. To the extent that our moral practices are rationally structured, they are justified.

Because members of society mutually agree that the possible consequences of an action are reasons for or against taking that action, we are justified in blaming an agent for a predictable harm, even if that harm was a matter of luck. In other words, if it's mutually recognized that the Boundary should be drawn extensively enough to include socially foreseeable consequences, then we're justified in holding agents morally responsible for those events within the Boundary. In the case of Ms. and Mr. Fir, Hegel should conclude the following: Both Ms. Fir and Mr. Fir are blameworthy for acting in a careless and risky manner. However, only Ms. Fir burns down the forest; so, only she is blameworthy for this event.

### **XIII. Objection and reply: Is Hegel committed to a worrisome form of cultural relativism?**

We might worry that Hegel is committed to the claim that whatever norms are agreed upon within a society are legitimate norms. Since a society could endorse what we might



think are reprehensible norms, it seems Hegel's view is in trouble. In reply, I argue that Hegel has the conceptual machinery to distinguish between what's taken as a reason in a society and what *should* be taken as a reason in society. Mark Alznauer<sup>22</sup> suggests that Hegel distinguishes between contextual justification and rational justification. The sense of justification I have been using is *contextual justification*, what's taken as a reason in a society; this is the relevant sense of justification for our blame practices. If an agent is trying to justify herself, she is trying to make her action intelligible to her community; in particular, she is trying to describe what she did, and why it was worthwhile. If she succeeds, it is because her community agrees with her conception of her action and the proposed reason for its being worthwhile. By contrast, *rational* justification plays a role in our philosophical practices, where rational justification uses the standards of a well-developed concept or norm to evaluate whether or not an action was rationally justified. By observing history, we may notice that concepts and norms become increasingly comprehensive, making our experiences more coherent. Philosophical practices may make explicit the development of these concepts and norms. Although we can observe a progression over time, we cannot know what the most ideal concepts and norms would be. Rather, we can only look back in time and observe how far we've gotten. It doesn't make sense for philosophers to try to propose ethical ideals to resolve moral judgments, because they do not have epistemic access to these ideals. For Hegel, justification within a context plays a role in our moral practices, whereas rational norms and concepts are ideals that we can progressively recognize over time. Moreover, it's clear that Hegel doesn't think that contextual justification implies rational justification. Therefore Hegel is not committed to an objectionable form of cultural relativism; he has the conceptual

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<sup>22</sup> Alznauer (forthcoming).

machinery to say what society takes to be a reason without having to concede that these are the best reasons.

#### **XIV. Solving the problem of resultant luck and extrapolating from the Hegelian solution**

Pre-reflectively, we have the intuition that agents are blameworthy in cases of negligence; however, if we accept the Control Principle, then we should think that agents aren't blameworthy in such cases. The Hegelian solution explains that the Control Principle should be rejected because it is motivated by the naturalistic viewpoint's misconception of the Boundary. In an ideally rational society, we'd recognize that the two viewpoints circumscribe the same Boundary and, thus, motivate the same moral judgments. A genuine solution to the problem of resultant luck treats each viewpoint as legitimate, and it explains why the moral judgments they motivate are compatible.

One must provide this sort of explanation to address the problem of moral luck more generally. Different subspecies of moral luck are distinguished by the different sorts of causal factors that interact with the agent; e.g., resultant luck is due to circumstantial factors that causally interact with the agent's initial action; constitutive luck is due to the causal factors that constitute the agent's identity; and causal luck is due to the causal factors that lead to the agent's initial actions.

For each subspecies, we imagine the agent from both the naturalistic viewpoint and the practical one, and the naturalistic viewpoint implies that most, if not all, events depend on factors that are not under the agent's control. As you'll recall, the naturalistic viewpoint individuates things by their causal role in a sequence of events, and the outcome of an agent's actions is always causally influenced by factors beyond her

control. For example, consider the case of Ms. Fir: The outcome of setting fire to the tree is a matter of luck because circumstantial factors, such as the wind, influence the outcome and these factors are beyond her control—this illustrates resultant luck. Her decision to set fire to the wood depends, in part, on her character, but her character depends on factors beyond her control, such as inherited behavioral dispositions—this illustrates constitutive luck. Suppose that she was led to set fire to the tree because someone teased her and she wanted to relieve stress; the event that caused her to set fire to the tree was beyond her control—this illustrates causal luck.

In conjunction with the Control Principle, it appears that we shouldn't hold agents morally responsible for most, if not all, events. To solve the problem of moral luck, one must explain how each viewpoint conceives of the agent's action in light of the causal factors that influence the outcomes of her efforts<sup>23</sup>; for example, to solve the problem of resultant luck, one must explain how each viewpoint conceives of the agent's action in light of the circumstances she finds herself in. In other words, one must explain how we should circumscribe the Boundary, and our concept of the Boundary should be informed by what we know about the circumstantial factors that influence the outcome of her actions. Further, within each viewpoint one should propose a standard for moral judgments in terms of how the Boundary is understood in that viewpoint, and then one should explain why the viewpoints don't lead to incompatible moral judgments.<sup>24</sup>

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<sup>23</sup> Nagel (1979) suggests a solution roughly similar to this—he asserts that a solution must give an account of agency and its relation to moral attitudes.

<sup>24</sup> The viewpoints may lead to different Boundary concepts and, thus, to different moral judgments. However, they must not lead to incompatible ones. For example, a Kantian could argue that using theoretical reason leads to a different conception of the Boundary than the one we'd get from using practical reason; however, because practical reason has primacy over theoretical reason, their moral judgments are compatible.

## **XV. Conclusion**

Many contemporary responses to the problem of resultant luck fail to address its root, permitting the problem to continuously rear its head. Extrapolating from the Hegelian solution, we observe that any genuine solution must treat both the naturalistic and practical viewpoints as legitimate, and it must reconcile these viewpoints to explain why they don't motivate incompatible moral judgments. Applying this sort of explanatory framework to every source of luck is a promising method for solving the problem of moral luck more generally.

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