Abstract: This paper has two goals: (1) to defend a particular response to the problem of resultant moral luck and (2) to defend the claim that we are only responsible for what we could have avoided. Cases of overdetermination threaten to undermine the claim that we are only responsible for what we could have avoided. To deal with this issue, I will motivate a particular way of responding to the problem of resultant moral luck. I defend the view that one's degree of responsibility is immune to moral luck but the scope of events for which one is responsible is subject to moral luck. I will then argue that this view allows us to explain away certain intuitions about responsibility and overdetermination (as well as similar intuitions regarding Frankfurt Cases). As a result, the claim that we are only responsible for what we could have avoided becomes significantly more plausible.

Moral Luck, Responsibility, and Making a Difference

The view that moral responsibility requires making a difference faces challenges from both cases of causal overdetermination and cases of causal preemption (such as Frankfurt-style Cases). In some such cases it seems that an agent is responsible for something that they could not have avoided. To deal with these cases, I enlist help from a plausible approach to moral luck. Following Fischer (1986) and Zimmerman (2002), I defend the view that one's degree of responsibility is immune to moral luck but the scope of events for which one is responsible is subject to moral luck. I then argue that this view leads to a plausible error theory for our responsibility intuitions concerning cases of causal overdetermination and preemption. This error theory allows us to avoid counterexamples to the claim that responsibility requires making a difference.

1. Intro

I aim to defend the view that being morally responsible for something requires being able to
make a difference with regard to the occurrence of that thing. I endorse the following requirement:

**Difference Making Requirement**: An agent is morally responsible for an action, omission, outcome, etc. X, only if she could have acted in such a way that X would (or at least might) not have occurred.¹

The **Difference Making Requirement** is a fairly strong requirement. Some *alternative possibility* requirements on responsibility only require that, in order to be responsible for X, an agent must have been able to act differently. They do not require that her alternative action avoid X. The **Difference Making Requirement** holds that the agent must have a chance to avoid X. The **Difference Making Requirement** is prima facie motivated by cases like the following:

**Sharks**: John is walking along the beach and sees a child drowning in the water. John believes that he could rescue the child without much effort. Due to his laziness, he decides not to attempt to rescue the child. The child drowns. Unbeknownst to John, there is a school of sharks hidden beneath the water. If John had attempted to rescue the child, the sharks would have killed him and his rescue attempt would have been unsuccessful.²

In Sharks it seems that John is not responsible for the omission *failing to save the child* or for the outcome *the child's death*. One natural way to account for his lack of responsibility is by appealing something along the lines of the **Difference Making Requirement**. After all, if the sharks hadn't been there, John could have made a difference and would have been responsible for the child's death.³ (Also, note that merely requiring that the agent be able to do *something* different in order to be responsible for X would not explain John's lack of responsibility for the death. John could have done something different. He could have tried to rescue the child. Thus Sharks provides a reason to favor the

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¹ The 'might' alternative comes into play if there are cases in which there is no fact about whether an agent's acting differently would have prevented X.

² This case is drawn from Fischer and Ravizza (1998) p. 125.

³ There are rival accounts of John's lack of responsibility. I attempt to undermine such accounts in [removed for review]
**Difference Making Requirement** over weaker *alternative possibility* requirements.

However, cases of overdetermination make trouble. Consider:

*Overdetermination Case:* Alissa and Emily both freely throw a rock at a window. Both rocks cause the window to break. Alissa was not aware that Emily was planning to throw a rock and could not have done anything to prevent Emily from breaking the window.

And;

*Preemption Case:* Alissa freely throws a rock which breaks a window. Emily does not throw a rock, but she would have broken the window if Alissa hadn't. Alissa did not know that Emily would break the window if she refrained. And Alissa would not have been able to prevent Emily from breaking the window.

In both of these cases it seems that Alissa is responsible for the destruction of the window. But she could not do anything to avoid its destruction. Consider also the following more sophisticated case of counterfactual overdetermination:

*Frankfurt Case:* Black wishes Jones to cast his vote for presidential candidate A. In order to ensure that Jones does this, he implants a chip in Jones’s brain which allows him to control Jones’s behavior in the voting booth. (Jones has no idea about any of this.) Black prefers that Jones vote for candidate A on his own. But if Jones starts to show any sign that he will vote for anyone other than A, Black will immediately use his chip to cause Jones to vote for candidate A instead. As it turns out, though, Jones votes for candidate A on his own and Black never exerts any causal influence on Jones’s behavior.  

In Frankfurt Case it seems that Jones is responsible for voting for A, even though he could not have avoided doing so. So it looks like we have three counterexamples to the **Difference Making**

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4 The origin of such cases is Frankfurt (1969).
**Requirement.** But perhaps our intuitive reaction to these cases rests on a mistake.

2. The hybrid approach to moral luck

Michael Zimmerman offers us this pair of scenarios:

*Successful Murder:* “George shot at Henry and killed him.”

*Attempted Murder:* “Georg shot at Henrik in circumstances which were, to the extent possible, exactly like those of George (by which I mean to include what went on "inside" the protagonists' heads as well as what happened in the "outside" world), except for the fact that Georg's bullet was intercepted by a passing bird (a rather large and solid bird) and Henrik escaped injury.” (Zimmerman 2002)

Here are two takes one might have on these cases:

**pro-luck take:** George is blameworthy for Henry's death. But Georg is not blameworthy for Henrik's death (since he didn't die). So George is more blameworthy than Georg.

**anti-luck take:** Georg and George are equally blameworthy. So George is not blameworthy for anything beyond what Georg is blameworthy for. Thus George is not blameworthy for Henry's death.

Both of these takes start out with a plausible claim and derive an implausible conclusion. It seems clear to many of us that 'Georg and George are equally blameworthy'. But it also seems clear that 'George is blameworthy for Henry's death'. Fortunately, there is a way to accommodate both claims.

Fischer (1986) notes a distinction between the *degree* of blameworthiness and the *content* of blameworthiness. Zimmerman (2002) notes a very similar distinction between the *degree* of responsibility and the *scope* of responsibility. But both apply the distinction to the issue of moral luck. The degree of blameworthiness reflects how much blame it is appropriate for the agent to receive. The

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5 Frankfur (1982) also points out this sort of distinction.
scope/content of blameworthiness reflects which events the agent is blameworthy for. The Fischer and Zimmerman view is that the scope of blameworthiness is affected by luck in how things turn out (e.g. by whether or not a bird interferes with your attempt to kill). But the degree of blameworthiness is immune to luck. This leads to the following view:

**hybrid take:** Georg and George are equally blameworthy. That is to say that they have the same degree of blameworthiness. But George is blameworthy for more events than Georg, because he is blameworthy for killing Henry. So the scope of George's blameworthiness exceeds the scope of Georg's blameworthiness.

The three takes on Georg and George correspond to three views one might have concerning resultant moral luck (i.e. luck in how things turn out downstream from one's choices and attempts).

**pro-luck approach:** Both the degree and scope of blameworthiness are subject to resultant luck.

**anti-luck approach:** Neither the degree nor the scope of blameworthiness is subject to resultant luck.

**hybrid approach to luck:** The scope of blameworthiness is subject to resultant luck, but the degree of blameworthiness is not.

I accept the hybrid approach. (I formulate these approaches in terms of blameworthiness. But they could also be put in terms of moral responsibility more generally. I also accept the hybrid approach when it comes to moral responsibility in general.)

The hybrid approach nicely explains why many of us feel that it would be unfair to blame George more than Georg. It's because they deserve the same degree of blame! And unlike the anti-luck approach, it also makes sense of the fact that we would blame George for killing Henry, not just for trying to kill Henry. The anti-luck approach must hold that we are often blaming people for the wrong things. While the pro-luck approach leads to apparent unfairness. The hybrid approach thus appears to have an edge over both of its rivals.

The key insight of the hybrid approach is that agents can differ in the scope of their
blameworthiness without differing in their degree of blameworthiness. This allows the hybrid approach to generate attractive results in cases like Sharks as well. Compare Sharks with:

**Absent Sharks:** Jane is walking along the beach and sees a child drowning in the water. Jane believes that she could rescue the child without much effort. Due to her laziness, she decides not to attempt to rescue the child. The child drowns. There were no sharks in the area. If Jane had tried to rescue the child, she would have succeeded.

In Absent Sharks Jane is blameworthy for the child's death. This means that the scope of her blameworthiness is larger than the scope of John's in Sharks (since the presence of the sharks prevented John from being responsible for the death). However, does it seem that Jane deserves more blame than John? I think not. Given that both of them thought they could rescue the child, it seems that they deserve the same amount of blame. The hybrid approach allows us to say both that (1) Jane is blameworthy for more events than John and (2) Jane and John deserve the same amount of blame.⁶

Another nice feature of the hybrid approach is that it provides (at least a partial) explanation of why resultant moral luck is so puzzling. We feel pulled toward both the pro-luck and anti-luck positions. The hybrid approach helps makes sense of this because, given the hybrid approach, both the pro-luck and anti-luck positions have some of the truth. The pro-luck position is right about the scope of blameworthiness and the anti-luck position is right about the degree of blameworthiness.

The problem is that we have not sufficiently separated questions regarding scope of blame from questions regarding degree of blame. We are pulled in two directions because we are failing to clearly distinguish between two different phenomena. We are conflating the scope of blameworthiness with the degree of blameworthiness.

I am unsure if this purported conflation can fully explain away the problem of resultant luck all by itself. It might just seem to some that George deserves more blame than Georg. One way to handle

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⁶ Fischer (1986) applies the hybrid approach to similar cases.
such intuitions is to claim that they are based on a bad (by the lights of the hybrid approach), implicit inference from the claim that George is blameworthy for killing and Georg is not. But suppose that is not always the case. We could then appeal to additional error theories to help handle such cases. For example, we could appeal to the thought that we often take successfully causing harm to be evidence of a more culpable mental state. And this leads us to overgeneralize and end up with pro luck intuitions even when we stipulate the mental states of the two agents we are comparing are the same.

3. In defense of the Difference Making Requirement

I now return to the **Difference Making Requirement**. Recall this potential counterexample:

*Overdetermination Case:* Alissa and Emily both freely throw a rock at a window. Both rocks cause the window to break. Alissa was not aware that Emily was planning to throw a rock and could not have done anything to prevent Emily from breaking the window.

We are naturally inclined to say that Alissa is responsible for the destruction of the window. But I want to suggest that this inclination is based on a conflation of the degree of responsibility with the scope of responsibility. We correctly intuit that Alissa bears the full degree of blame regarding her act (despite the overdetermination). But we end up falsely judging that she possesses the normal scope of blameworthiness.

Recall that on the hybrid account one’s scope of blameworthiness can change without one’s degree of blameworthiness changing. I think the core intuition that we have about Alissa is that *she does not get off the hook (even to a small degree)* because of the presence of Emily. This core intuition is correct. But it is an intuition about her degree of blameworthiness. Because we fail to hold the distinction between degree and scope firmly in mind and attend to the fact that a change in Alissa’s scope of blameworthiness need not render her deserving of less blame, we end up inclined to assert that she is blameworthy for the destruction of the window.

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7 Lewis (1989) considers a similar account.
When a student is inclined to say that some act that caused unforeseeable harm is not wrong, I often remind them of the distinction between wrongness and blameworthiness. (You’ve probably done the same.) Oftentimes, with that distinction in mind, the student will be more inclined to say that the act was wrong. I am suggesting something similar is going on when we consider cases of overdetermination. At least in my own case, when I consider Alissa’s status with the distinction between scope and degree firmly in mind, and note that she is blameworthy to the same degree either way, I am much less inclined to insist that she is blameworthy for the destruction of the window.

Now consider:

*Preemption Case*: Alissa freely throws a rock which breaks a window. Emily does not throw a rock, but she would have broken the window if Alissa hadn't. Alissa did not know that Emily would break the window if she refrained. And Alissa would not have been able to prevent Emily from breaking the window.

Once again, the driving intuition is that Alissa does not get off the hook (even a little) because of Emily’s presence. But if this is an intuition about degree of blameworthiness, not scope of blameworthiness, it is not threat to the Difference Making Requirement.

I turn now to the Frankfurt cases. Recall:

*Frankfurt Case*: Black wishes Jones to cast his vote for presidential candidate A. In order to ensure that Jones does this, he implants a chip in Jones’s brain which allows him to control Jones’s behavior in the voting booth. (Jones has no idea about any of this.) Black prefers that Jones vote for candidate A on his own. But if Jones starts to show any sign that he will vote for anyone other than A, Black will immediately use his chip to cause Jones to vote for candidate A instead. As it turns out, though, Jones votes for candidate A on his own and Black never exerts

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8 Another analogy to the strategy I am pursuing is a response some externalists about epistemic justification have given to the New Evil Demon problem. They explain away the intuition that our demon world counterparts have justified beliefs by claiming that the demon worlders do have some positive status (which is driving the intuition). But that positive status is really excused belief, not justified belief. See Littlejohn (forthcoming) and Williamson (forthcoming). For a response, see Madison (2018).
any causal influence on Jones’s behavior.

Once again, I claim that the core intuition is that Jones does not get off the hook (even to a small degree) because of the presence of Black. But this is an intuition about degree, not scope.

Things are somewhat more difficult here. In Alissa’s case it is clear that she still has some scope of responsibility even if she is not responsible for the destruction of the window. She is responsible for throwing the rock. And she is responsible for causing the destruction of the window.

But in Frankfurt Case one might worry that there is nothing that Jones is responsible for which he could have avoided. In that case, in order to say that he still has a high degree of responsibility, we would have to say that he is responsible to a high degree even though he is responsible for nothing. But it seems highly plausible that in order to be responsible one must be responsible for something!\(^9\)

Fortunately, I think we can find something for which Jones is responsible. The fine grained response to the Frankfurt Cases holds that Jones is responsible for voting for A on his own (which he could have avoided), even though he is not responsible for voting for A (which he could not have avoided).\(^10\) Here ‘on his own’ means “not as a result of outside force or coercion.” [removed for review]

One worry for the fine grained response is that it allows for unacceptable moral luck. After all, Jones would have been responsible for voting for A if Black had not been present.\(^11\) So Black’s presence (which is just a matter of luck) changes what Jones is responsible for. [removed for review] and I have responded to this worry by appealing to the hybrid account. Luck does impact the scope of

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\(^9\) Although Zimmerman’s (2002) view seems to allow for degrees of responsibility without any responsibility for. The possibility of degrees of responsibility without responsibility for anything makes room for an interesting potential strategy for compatibilists about responsibility and determinism. They could grant the Difference Making Requirement and grant that, as a result, determinism rules out responsibility for anything at all. But they could claim that, nonetheless, determinism is compatible with possessing non zero degrees of responsibility. Of course, compatibilists could also pursue the more standard strategy of accepting the Difference Making Requirement but claiming that agents have the ability to avoid certain events even if determinism is true.

\(^10\) Robinson (2012, 2014 and forthcoming) defends the similar view that Jones is basically responsible only for acting on his own. But, on Robinson’s view, Jones is also derivatively responsible for voting for A. Thus Robinson must reject the Difference Making Requirement.

\(^11\) Zagzebski (2000) raises this worry.
Jones’s responsibility. But it does not affect his degree of responsibility [removed for review]

Though she ultimately rejects our view, Carolina Sartorio points out a significant advantage of our approach:

The underlying thought is that luck can affect what you are responsible for without affecting the degree of your responsibility, which would remain the same to the extent that you made the decision on your own. This view has the potential advantage that it allows a proponent of [views along the lines of the fine grained response] to capture more of Frankfurt’s original intuitions about Frankfurt-style cases, which many people have found convincing. For it allows us to say that there is a sense in which agents in Frankfurt-style cases are just as blameworthy as if they had been in ordinary circumstances, although they are responsible for fewer things.

(Sartorio forthcoming, p. 7)

I think this is exactly right. I add the claim that this view captures the core intuition behind the Frankfurt Cases. On the view I am putting forward, we are correctly intuiting that Jones is “just as blameworthy” as he would have been in normal circumstances. But we mistakenly slide to the thought that he must be blameworthy for just as many events. As with Alissa above, when I consider Jones’s status with the distinction between scope and degree firmly in mind, and note that he is blameworthy to the same degree either way, I am much less inclined to insist that she is blameworthy for voting for A.

It looks as though, so long as the fine grained response is plausible, I can explain away our intuitions about Frankfurt cases in the same way I explain away our intuitions about standard overdetermination and preemption cases. The view that we are only responsible for what we could have avoided is intuitive in its own right and is motivated by cases like Sharks. Now that we have an error theory for intuitions that initially seem to point in the other direction, the claim that responsibility requires making a difference appears quite plausible.
Works Cited


Sartorio, Carolina (forthcoming) “Flickers of Freedom and Moral Luck” *Midwest Studies in Philosophy*


