Hard Luck

By Neil Levy

Oxford University Press, 2011. 362 pp. £32.00

> *Bad luck follows me, Keisha. That's the thing. I don't follow bad luck. Bad luck follows me.*
>
> *I don't believe in luck.*
>
> *You should. It rules the world.*
>
> *NW*, Zadie Smith, p. 275

Hard luck rules and so we neither deserve condemnation nor praise for our choices and actions. Although this is the central and deeply revisionary message of Neil Levy's recent book, he also suggests that the message is not as bleak as it may seem. According to Levy, the hard luck account also ensures that there are no desert-entailing differences between agents and so paves the way for treating everyone fairly and equally (I will have more to say about this in a bit).

While the luck objection has been pressed against libertarians for some time (see, e.g. Mele 2006), Levy is one of the first to develop an account of luck within the free will debate that is systematically employed to undermine a variety of different accounts of free will and moral responsibility, including, libertarianism (Ch. 3), historically sensitive compatibilism (Ch. 4), control-based compatibilism (Ch. 5) and so-called 'Quality of Will' theories (Chs. 7 and 8). This ambitious aim alone makes the book a point of interest, but the careful and rigorous argument also ensures that Levy's critique deserves to be taken seriously by all sides in the free will debate.

In Chapter 2, Levy defends an account of luck that draws heavily on Duncan Pritchard's modal account of epistemic luck (2005). The account does not require a position as to whether the universe is indeterministic or not, instead lucky events are a function of significance and chanciness – where an event is chancy if it occurs in the actual world but fails to occur in a large enough proportion of possible worlds. In addition to such *chancy luck*, Levy argues that there is a second and pervasive species of constitutive luck, which is often non-chancy. Such *non-chancy constitutive luck* affects the agent's psychological traits and here the relevant variation is not between possible worlds but between individuals belonging to a certain contextually fixed reference group (i.e. the actual event affecting the trait failed to occur in the reference group in a large enough proportion of cases, e.g. variable psychological traits due to enculturation). Finally and crucially, Levy urges that a control condition should be built into the account, such that a lucky event – whether it is chancy or non-chancy – is one that the agent must *lack relevant control* over.

I will briefly discuss how Levy's account of luck purports to raise problems for mainstream compatibilism, which are the more novel and interesting challenges in my view. The challenge that Levy raises for compatibilists falls roughly into two categories: *constitutive luck* (which can only be avoided at the equally unhelpful hands of

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present luck) and the *epistemically demanding control condition* that is built into the luck account. I will consider each of these challenges in turn.

Historically sensitive compatibilists contend that two agents who make relevantly similar choices can differ with respect to their (degree of) moral responsibility for their choice as a result of their different causal history. As Levy points out, the view is typically motivated by the concern to differentiate (and excuse from responsibility) agents who have made a choice based on beliefs and values that are the result of, for example, brain manipulation (the case most frequently attended to by philosophers), coercive indoctrination or genetic disorders. However, Levy argues that it is ultimately unsatisfactory to attempt to ground such historically sensitive responsibility by requiring that the agent responds to her endowment by taking 'ownership' of it. By doing so Levy argues the account is vulnerable to the 'luck pincer': either the agent's choice is settled by her endowment, and so does indeed express her constitutive luck, or the choice just reflects her present luck (Ch. 4).

However, we may query why all agents should be equally vulnerable to the first disjunct of the luck pincer: constitutive luck. Although Levy does argue that responsibility must be understood as a partly historical concept because agents are embedded in their personal history and environment (Ch. 7), recall that the original motivation of historically sensitive compatibilists was the intuition that agents are *differentially* susceptible to responsibility subversive historical factors (coercive indoctrination, etc.). What is more, the upshot of paying attention to the particularities of individuals' causal histories was at least arguably supposed to allow us to treat people fairly with respect to noticing desert-entailing differences. This conflicts with Levy's own use of the fairness principle where the upshot is that there are *no* such differences between agents. This is not to say that there is an inconsistency in Levy's argument. Rather, I suspect that the charge from many historically sensitive compatibilists is that the definition of non-chancy luck casts its net too widely for their liking (e.g. by allowing that *any* acquired trait gets to count as constitutively unlucky as long as there is sufficient variation of the trait within some contextually fixed reference group).

In Chapters 5 and 6, Levy does address the option of biting the bullet on constitutive luck entirely and accepting that a person can be responsible for their actions regardless of their history. However, he argues that this option does not really accomplish anything since the agent will still fall short of satisfying the *epistemically demanding* conditions for control that are as applicable in situations of (chancy) present luck as they are in the case of constitutive luck. The epistemic conditions state that for an agent to be in control, it is not sufficient that her actions are causally sensitive to a particular state of affairs; she must also know both *that* and *how* the actions are sensitive to those state of affairs and appreciate the action's significance. Levy argues that agents fail to fulfill these conditions and this ignorance is non-culpable since it is near impossible to find a case where the agent has knowingly passed up the opportunity to improve her epistemic position.

Levy anticipates the objection that non-culpable ignorance might not be as pervasive with respect to *moral* knowledge on the grounds that moral knowledge is far more easily attainable than many other forms of causal knowledge required for relevant control. He replies by drawing on empirical work in moral psychology – for example, of how even universal moral norms are culturally modulated and how people generally considered to be morally ignorant (e.g. racists) regard their beliefs

as being well-justified – which he thinks suggests that (non-culpable) global and local moral ignorance is both common and explicable. But another plausible interpretation of such work is that it merely describes common *biases* in our moral cognition, which by and large does not hamper the possibility of moral knowledge. Hence, at least with respect to moral knowledge, Levy has not convinced me that agents never satisfy the epistemically demanding condition that is required for relevant control and ultimately for moral responsibility.

Overall, the hard luck account builds an impressive line of attack on the empirical reality of moral responsibility. It will naturally be opposed by most sides of the free will debate, but is an important and serious provocation nonetheless.

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The View from Here: On Affirmation, Attachment, and the Limits of Regret

By R. JAY WALLACE

New York: Oxford University Press, 2013. £30.00

An underlying theme of Jay Wallace's accomplished book is that ambivalence is frequently the most warranted attitude towards contemporary life. Several self-contained chapters lead to this conclusion; each is robustly argued and bristles with insightful and well-parsed observations about practical thought.

After a synoptic first chapter, Wallace considers the rationality of people regretting past events that cannot be changed. He draws upon Samuel Scheffler's influential writing on value (Scheffler 2010) and general methodological strategy of locating specific attitudes in 'broader psychological structures' (p. 31). For Wallace, regret is inseparable from valuing. Scheffler argues that valuing something, not simply judging it to be valuable, presupposes emotional vulnerability towards it. This susceptibility is bound up with our ability to have attachments. Attachments to projects or persons are sources of intrinsic value and meaning in life (providing they are objectively uncorrupt). The experiences they render possible are also intrinsically valuable.

Wallace then looks to replace Bernard Williams's (1982) distinction between impersonal and agent regret. He develops a distinction that tracks the personal reasons

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