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Defending libertarianism through rethinking responsibility for consequences

László Bernáth

Abstract

This paper defends indirect libertarianism against those arguments which attempt to show that blameworthiness cannot be traced back to earlier blameworthy acts in most cases. More precisely, I focus on those arguments according to which responsibility cannot be traced back in most cases because agents are unable to foresee the distant consequences of their acts (Vargas, 2005; Shabo, 2015). Since indirect libertarianism claims that we are responsible for many actions, omissions, beliefs, attitudes because they can be traced back to earlier free acts, the success of the arguments against tracing would be fatal to indirect libertarianism. In the literature, there are some answers to the problem of tracing, but they are either implausible or unacceptable for indirect libertarians who hold that indeterministic free decisions are the ultimate sources of moral responsibility. On the basis of Björnsson (2017a, 2017b), Björnsson and Persson (2012), Robichaud and Wieland (2017), I provide a solution to the problem of tracing that preserves the crucial role of indeterministic decisions. In other words, I provide a libertarian solution to the problem of tracing.

Keywords: Blameworthiness; Libertarianism; Moral Luck; Responsibility for Consequences; Tracing

Introduction

Libertarianism claims that although free will and moral responsibility are incompatible with determinism, we are morally responsible beings who have free will and are

responsible for some of or actions, omissions and states. Direct or standard libertarianism holds that people are responsible for most types of their actions because these are *directly* free. It means that if one would like to explain why an agent is responsible for her action, then, at least in most of the cases, one does not have to explain it through referring to an earlier act. In contrast, *indirect* libertarians claim that people have direct freedom and direct responsibility in only a few or several types of cases. Consequently, people are responsible for most or many types of their actions only because the responsibility for those actions can be traced back to other, directly free, actions (I borrow the terminology “direct” and “indirect libertarianism” from Hartman, 2020).

Indirect libertarians agree that only *decisions* may be directly free actions. This is because, as libertarians, they think that indeterminism is a condition of free will. Furthermore, they claim that only if indeterminism can be located in the agent’s decision can the agent have sufficient control over the indeterministic process in order to be responsible for its outcomes. Even though indirect libertarians disagree about which types of decisions are directly free, they agree that not all of them are (Campbell, 1938; van Inwagen, 1989; Kane, 1996; Kane 2000).<sup>1</sup> Thus, they have a burden to explain the responsibility for those types of decisions which are not directly free, not to mention the burden of explaining responsibility for other kinds of actions, omissions and attitudes. However, it is not an easy task. In order to evade being extremely revisionist regarding our responsibility attribution practices, the indirect libertarian has to claim that we are responsible for *many* indirectly free actions,<sup>2</sup> omissions and attitudes because the responsibility for them can be traced back to earlier decisions.

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<sup>1</sup> It is worthwhile to note that there are two main types of indirect libertarianism. Restrictivists hold that there are relatively few directly free decisions (Campbell, 1938; van Inwagen, 1989) whereas ‘moderate’ indirect libertarians believe that a relatively robust subset of decisions is directly free (Kane, 1996; Kane, 2000).

<sup>2</sup> To be fair, not all indirect libertarians regard decisions or actions that are not directly free as free actions at all. Famously, Peter van Inwagen claims that there is only one kind of free action; namely, actions that could have done otherwise at the very moment of the action even if one hold the laws and the past fixed (see van Inwagen, 1989). However, I call indirectly free actions those ones too for which the agent is morally responsible because they can be traced back to directly free actions. (I follow Hartman, 2020 in this regard. I thank an anonymous reviewer for drawing my attention to Hartman’s paper).

But how and why does the responsibility for directly free decisions transfer to later events and states in so many cases?

Indirect libertarians tend to think that this problem can be solved by supposing that directly free decisions have, in Kane's terminology, a self-forming effect. That is, directly free decisions are not only the sources of free actions, but character traits and attitudes are also rooted in these decisions. These freely formed character traits and attitudes determine indirectly free decisions, actions and explain blameworthy omissions.

Thus, indirect libertarians have to embrace Strong Trace Theory if they do not want to deny agents' moral responsibility in a wide range of cases. Strong Trace Theory, contrary to Trace Theory, claims not only that the moral praiseworthiness/blameworthiness and responsibility for actions, omissions and states can be traced back to earlier actions in *some* cases (without any specification of how frequently that is the case). Instead, Strong Trace Theory (hereafter STT) claims that the moral praiseworthiness/blameworthiness and responsibility for actions, omissions and states can be traced back to earlier actions *in numerous cases*. That is to say, tracing responsibility is possible not only in several typical cases, such as the case of a drunken driver who caused an accident due to his condition, but it is a very common phenomenon.

However, the indirect libertarian theory of responsibility has received many criticisms. One of the most influential objections was Manuel Vargas's (2005) argument which attacks indirect libertarianism on the basis of criticizing STT (for example, Levy, 2008; and Shabo, 2015; follow in Vargas's footsteps).<sup>3</sup> According to Vargas, even if free decisions have character-forming effects, the responsibility for many actions which seem to be blameworthy at first sight cannot be traced back to these directly free decisions. This is because the blameworthy agents do not know and should not know at the time when they make their directly free decision (or action) that the decision in question will result in morally negative consequences.

First, I reconstruct Vargas's argument. Second, I argue that the indirect libertarian should answer in a way that she denies the view that blameworthiness for con-

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<sup>3</sup> Vargas criticizes also those compatibilists theories which rely on STT, but this paper focuses only on libertarian approaches.

sequences has epistemic conditions. Third, I motivate and propose a plausible way of denying these epistemic conditions that can provide a satisfying solution for the indirect libertarians. In short, I propose an account according to which moral blameworthiness for a distant consequence *C* can be traced back if and only if i) there is a directly free decision *D* which falls below what could be demanded of *X* and ii) *D* normally causes *C* in a way that *C* and *D* are wrong for the same type of reason. Before I outline this account, I motivate it by pointing out the main function of the scope of blameworthiness apart from the function of figuring out the degree for blameworthiness. I claim that the scope of blameworthiness is relevant because the primary aim of blame is to appropriately generate moral remorse and the scope of blameworthiness is the scope of events for which the agent should feel moral remorse. This is why the proposed account of blameworthiness can solve the problem of tracing for the indirect libertarian, since it can explain why an event can be an appropriate target of blaming practices, even if the event was not foreseeable at the moment of the much earlier free decision.

### 1. The trouble with tracing

Vargas describes four cases in which the protagonists seem to be morally blameworthy for their actions. Moreover, he gives the backstory behind the cases. Vargas argues that even if the actions in the backstory *explain* why the protagonists acted in a blameworthy way later, these actions do not explain why the protagonists are *blameworthy* for their later actions. This is because the protagonists could not have reasonably foreseen the distant consequences of their actions.

Although I focus on Vargas's argumentation, I do not describe one of Vargas's original stories. Instead, I quote Seth Shabo's (2015) story which is a modification of one of Vargas's examples. Shabo's example evades many objections to which the original stories are vulnerable. After that, I reconstruct Vargas's argumentation.

#### **Greg the Greedy**

Greg has just been tasked with compiling and submitting a report to his company's board, a report that slates positions in the company's 1,200-strong work-

force for elimination. He has been chosen for this task because his superiors believe that he will recommend deep cuts, which will free up revenue for salary increases higher up. In return for his cooperation, Greg expects a substantial year-end bonus. His alternatives are clear. If he bucks his superiors' expectations and documents how the existing workforce is already stretched thin, few layoffs will ensue (and he can forget about the bonus—not to mention a promotion anytime soon!). Or he can opt for a compromise, recommending just enough layoffs to appease his superiors. Being greedy, however, Greg surpasses his superiors' expectations, assiduously searching out every last cut in the off chance of netting a slightly larger bonus. (Shabo, 2015: 997)

Why did Greg act so immorally? The answer can be found if we read Greg's backstory:

### **Greg's backstory**

Placed in a new school in seventh grade, Greg coped with his many adolescent insecurities by instinctively emulating the mannerisms of his socially dominant classmates, who, as it happens, acted like little jerks! Greg did this without ever deciding to do so. Instead, receiving positive reinforcement as he progressed, he gradually and unreflectively adjusted his demeanor to theirs. Naturally, he understood that other students didn't appreciate his disdainful glances, his derisive snorts, or his snide remarks at their expense; yet such behavior passed for normal in his junior high school, and no single incident was ever serious enough to prompt an intervention from school officials. Greg's obnoxious personal style saw him safely through the end of high school, at which point, being more self-assured, he came to rely on it less. Upon finishing college and starting his first real job, Greg was immediately impressed by the polished and professional manner, genial yet aloof, of his superiors; and he set out—consciously this time—to emulate them. To all appearances, Greg was a new man. Yet unknown to him, something of the old Greg remained. With his instinctive division of the world into big shots and nobodies firmly entrenched, Greg had real trouble registering the latter's interests as reasons for him to do anything. And there was also this: grasping that his superiors kept score in pecuniary terms, and giddy with his newfound earning potential, Greg became preoccupied with personal enrichment, something that was hard to imagine given his lackadaisical outlook on his post-college finances a short while earlier. (Shabo, 2015: 997–998)

Why is Greg's story challenging for the indirect libertarians or any proponents of STT? There are four reasons. First, Greg decided to act greedily partly because he was unable to perceive the reasons for not searching out every last cut so assiduously. Due to his morally flawed characteristic traits, he sees only one action as a rational alternative: focusing on his task. From the perspective of a compatibilist proponent of STT who believes that a sufficient reason-responsiveness is needed for direct moral responsibility, if Greg is not responsible for his insensitivity to the relevant moral reasons, he is not morally responsible. From an indirect libertarian perspective, if Greg is not blameworthy for his blindness to the relevant moral reasons, he is not blameworthy for his determination for searching out every last cut because the indirect libertarian does not believe that Greg is able to reject a desirable option against which he sees no reason due to his flawed moral character.

Second, Greg did not decide *for* being insensitive to the interests of people who do not have significant influence or power. In other words, Greg did not decide for being a jerk. In the remote past, he decided for giving disdainful glances, derisive snorts, and making snide remarks at the expense of socially less fortunate classmates not because he wanted to be a jerk, but because he received positive reactions from the other jerks.

Third, at first glance, there is not a single time when Greg could have reasonably foreseen that his decisions and behavior form his character in such a way that being insensitive and making questionable decisions will be inevitable for him in some particular situations.

The third point is the most important for both Vargas and Shabo. To spell out the problem more precisely, Vargas introduces the following intuitive epistemic condition of responsibility for consequences:

(KC) For an agent to be responsible for some outcome (whether an action or consequence) the outcome must be reasonably foreseeable for that agent at some suitable prior time. (Vargas, 2005: 274)

If (KC) is true, then one cannot attribute responsibility to Greg for his greedy action on the basis of tracing. This is because Greg's greedy action as an outcome of an ear-

lier action did not meet the epistemic condition of responsibility for outcomes due to the fact that Greg could not have reasonably foreseen his greedy action at any prior time of his life.

And last but not least, Greg's story is so challenging for the indirect libertarian or any proponent of STT because it seems to be an everyday story. People, in most cases, do not intentionally form bad characteristic traits, and do not foresee the much later outcomes of their decisions. Moreover, the most common kind of morally wrong actions—besides akratic ones that are chosen against the agent's better judgment—are those that are objectively morally wrong but the agent is not aware of this fact due to her ignorance or characteristic traits. If Greg's blameworthiness cannot be traced back to his earlier actions, it is plausible to say that tracing of blameworthiness is not possible in the vast majority of cases. Or at least, tracing is not possible in as many cases as it would be sufficient for the plausibility of indirect libertarian explanation of responsibility.

To sum up, I describe how Vargas's argument would have gone if he had used Greg's story.

- (1) If Greg is blameworthy for his act, either (KC) or STT is false.
  - (2) The everyday moral practice can be reliable with regard to how frequently the agents are blameworthy for their actions, omissions, and attitudes only if Greg is blameworthy for his act (because if Greg is not blameworthy for his act, many of us is not blameworthy for many of our acts).
  - (3) (KC) is true.
  - (4) The everyday moral practice is reliable with regard to how frequently the agents are blameworthy for their actions, omissions, and attitudes.
  - (5) STT is false. [From (1)–(4)]
  - (6) If STT is false, indirect libertarianism is false (and all other theories that rely on STT are also false).
- (C) Indirect libertarianism is false (and all other theories that rely on STT are also false).

Note, Vargas does not argue tracing is completely impossible. Vargas admits that tracing provides a plausible explanation in some cases. For instance, if a drunk driver causes an accident, her being drunk is a plausible explanation of why she is responsible for the accident. Despite the fact she was not able to control her own bodily movements enough to evade the accident, she had been in control when she had decided to drive under the influence. Vargas argues that this kind of explanation will not work in as many cases as the proponent of STT (for instance, an indirect libertarian) claims.

In the next section, I argue that proposed answers to Vargas's argument do not solve the indirect libertarian's trouble with tracing. This is because either they are not fit a libertarian framework or they are insufficient regardless of whether one is a compatibilist or a libertarian.

## 2. How the indirect libertarian should not answer to Vargas

An early response to Vargas's argument was the article of John Martin Fischer and Neil Tognazzini (2009). They argued that Vargas's original examples do not show that embracing both (KC) and STT has to mean that one must *implausibly deny* the responsibility of the protagonists of Vargas's stories. The case is either that the protagonist does not seem to be responsible or that she could have reasonably foreseen the later consequences of her acts. For instance, Jeff the jerk who consciously decided on forming himself into a jerk in one of Vargas' stories could have reasonably foreseen the consequence that he will act in a jerky way after he formed his jerky character. If Fischer and Tognazzini are right, then premise (1) is false, and the whole argument collapses.

But there are two problems. First, one can easily modify the original story in such a way that the protagonist does not consciously decide for forming the character trait in question. Seth Shabo showed this by introducing the story of Greg the Greedy in which Greg unconsciously formed his insensitive character. Greg could not and should not believe that he will likely do jerky things due to his decision for being a jerk. Simply because Greg has never decided to be a jerk. Thus, Fischer's and Togazz-



ini's objection is not successful against Shabo's example and the subsequent argument which is based on it.

Second, even though Fischer and Tognazzini could also in principle refine their argument, I do not see how they could do it in such a way that it would be able to save indirect libertarianism. This is because Greg does not have an opportunity to form a belief that his disdainful glances, his derisive snorts, or his snide remarks at his victims' expense *raises significantly the probability of* performing unfair actions in rather different circumstances at a much later point in time. In a libertarian framework, one could be blameworthy for not believing something only if he could have believed otherwise in the given situation (without changing the past and the natural laws). But Greg had no metaphysically robust opportunity to form the belief that his behavior *raises significantly the probability of* performing unfair actions at later point in time because he did not know any good reason for accepting such belief. His environment did not teach him that our actions form our character and later actions to such a great extent, and he had neither the abilities nor the motivations to do hard-core philosophy or moral self-examination to figure this out for himself. In the light of his evidence-basis, he did not believe in the existence of robust self-forming actions in a blameless way—at least an indirect libertarian should say this.<sup>4</sup>

This point is especially relevant considering the current state of the literature because Robert J. Hartman and Kevin Timpe (Hartman, 2020; Timpe, 2011) address Vargas's and Shabo's challenge against STT and indirect libertarians through rethinking the doxastic conditions of being morally responsible for an outcome. Hartman puts Timpe's Epistemic Condition as follows.<sup>5</sup>

TEC: An agent acts indirectly freely only if at the earlier time when she performed directly free actions, she had at least reasonable and merely dispositional beliefs that performing those directly free actions might lead to performing an action of a similar kind in the future (or was culpable for failing to have those beliefs). (Hartman, 2020: 1428)

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<sup>4</sup> However, I think that Fischer's and Tognazzini's approach has a much brighter prospect in a compatibilist framework. A compatibilist can adopt a much less demanding interpretation of foreseeability without creating a tension with her general theory about moral responsibility.

<sup>5</sup> Hartman admittedly simplifies Timpe's account because the part that TEC grasps is the relevant one if the aim is to address the trouble with tracing. I consider Hartman's simplification rather useful, this is why I focus on his simplified version of Timpe's full account.

Moreover, he explains in detail how this epistemic condition can help the indirect libertarian in addressing the case of Greg the Greedy.

TEC requires that Greg had at least merely dispositional and reasonable beliefs that performing the directly free actions might lead to being unmoved by the needs and interests of perceived social inferiors and might lead to imposing needless hardship on nobodies.

It seems plausible that Greg had those beliefs at, for example, (iii)—that is, his omission to reevaluate his behavior in light of perceiving in himself a clear pattern of obnoxious behavior. His perceiving this clear pattern was occurrent, and it is very plausible that this occurrent recognition generated at least the merely dispositional belief that the pattern would continue into the future unless he decided to change his ways, which is something he omitted to do. Thus, at the very least he had the relevant merely dispositional belief when he performed jerky actions and omissions after this time. The probability assessment about performing future jerky actions could even have been low due to the significant harm they project. (Hartman, 2020: 1430)

The problem is that it is rather implausible to suppose that Greg and most of those who behave obnoxiously have such dispositional beliefs. Most people *do not believe* that committing morally wrong actions in a specific kind of situation makes committing the same kind of morally wrong acts in *another kind* of situation in the *distant* future more probable. It may be plausible to suppose that Greg could worry about that if he does not change his obnoxious behavior toward his schoolmates, he will continue to harm *his schoolmates* without even being aware of this. But supposing that if Greg reflected upon the pattern of his behavior, Greg would *believe* that his current behavior will influence his (distant) future behavior in very different circumstances regards Greg as a morally especially reflective person or a philosopher who has rather developed views on somewhat abstract ethical issues. I *do not claim* that Greg would *reject* that his behavior influences his future behavior to a relevant extent. Rather, I claim that Greg because of *the lack of external and internal motivations* to do hardcore philosophy and/or deep moral self-examination were (in the relevant *libertarian* sense) *unable to form any kind of belief* about his moral future even if he confronted with the pattern of his current behavior. Most probably, he would think about what he could say in defense of himself and whether he should abandon his practice due to its

inherent moral wrongness.<sup>6</sup> Moreover, an indirect libertarian could not blame Greg for not doing hard-core philosophy and especially deep moral examinations because he is not blameworthy for not having the necessary motivation to do these activities.

If I was on the right track in the previous paragraph, the indirect libertarian should not deny premise (2). In most of the cases, similarly to Greg's case, our character traits are not consequences of *decisions for forming character traits*. At best, they are unconscious side-effects of *decisions for doing something*. Furthermore, similarly to Greg, most agents do not consider or even see the reasons for the claim that their present actions and decisions may influence their later behavior to a great extent. Hence, they are unable to think (in a libertarian sense of the word 'able') that their immoral actions may risk that they will be unable to act in a good way later. Therefore, if Greg is not blameworthy because he could not have foreseen the distant consequences of his actions, then most of the other agents are not blameworthy either. At the end of the day, it would lead to the conclusion that everyday moral practice mistakenly attributes responsibility for actions, omissions, and states in many cases.

Denying (4) is also not an option for an indirect libertarian if she does not ready to reject libertarianism altogether (but see Zimmerman, 1997). One of the main motivations for libertarianism is to justify our everyday moral practices (see Kane, 1996). In part, this aim explains why libertarians not only argue for that moral responsibility has rather demanding metaphysical conditions (as responsibility septic do) but also claim that these rather demanding metaphysical conditions are satisfied by all fully developed human beings. To some extent, a libertarian can be a revisionist without giving up his original motivation, but claiming that everyday moral practice *often* mistakenly attributes responsibility to agents is just too extreme. Of course, it can in principle be the case that there are strong arguments in favor of that most or all actions do not meet the libertarian conditions for being directly or indirectly free. But, if

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<sup>6</sup> Hartman argues also that Greg would be blameworthy for making an unfair report even if his blameworthiness could not be traced back to his jerky behavior in the distant past. According to Hartman, he would be blameworthy in some lesser degree because his blameworthiness can be traced back to his conscious attempt to emulate his superiors (Hartman, 2020: 1430–1431). However, I am a bit puzzled at this point because Greg, when he decided for emulating his superiors, could not recognize that being obsessed with personal and financial success is wrong since he could not see anymore that the interests of 'nobodies' matter. If he is blameworthy for not recognizing the moral wrongness of being obsessed with success, it is because his blameworthiness can be traced back to his earlier decisions to neglect the interests of his socially lesser schoolmates.

this is the case, the libertarian has to deny either incompatibilism or the reliability of everyday moral practice. And at this point, it makes not much sense to posit the metaphysically costly existence of agents with libertarian free will since it can save moral responsibility only in a very few cases.

The indirect libertarian cannot plausibly deny (6). If STT is false, indirect libertarianism is also false. This is because indirect libertarianism relies on STT. Without giving up indirect libertarianism, the indirect libertarian is unable to deny that there are indirectly free actions for which the agents are responsible because these are consequences of earlier directly free decisions. So even if some may refute STT based on considerable arguments (H. Smith, 1983; King, 2014; A. M. Smith, 2015), it is not an option for the indirect libertarian.

Instead, the indirect libertarian should refute premise (3). There are two ways to do this. The first way is proposing an alternative epistemic condition of responsibility for outcomes in a way that under some very vague description the blameworthy agent could have reasonably foreseen or at least anticipate the possibility of the harmful event for which the agent is blameworthy. As I have already argued, this way is not satisfying for the indirect libertarian because she believes that the *metaphysically robust* abilities are those which are the most relevant with regard to responsibility and blameworthiness. To briefly put it again, the main problem is that Greg and most agents in a similar scenario do not have the opportunity for possessing (dispositional or occurrent) belief that present actions have relevant influence on much later actions—at least, in most cases. But if this is true, these agents are (*in a metaphysically robust sense*) unable to reasonably foresee that their actions may determine their much later action in a bad way because they are unable to form this belief in their circumstances—due to the inaccessibility of the relevant epistemic reasons.

The second way is to deny *additional* epistemic conditions with regard to the responsibility for outcomes altogether. That is, one can claim that whatever the conditions are for being blameworthy for a basic action or attitude, there are no additional epistemic conditions for being blameworthy for a distant outcome such as (KC) or any other formulation of the condition of foreseeability. As it is going to be clear in the next section, I borrow many elements from recent approaches that deny additional

epistemic condition concerning blameworthiness for outcomes (especially Björnsson and Persson, 2012; Björnsson 2017a; Björnsson 2017b; Robichaud and Wieland, 2017). To put it briefly, I am going to argue that indirect libertarians should trace blameworthiness back to earlier free decisions in cases which are similar to Greg's case if and only if the much later outcome can be normally explained by a blameworthy free decision that is wrong for the same general reason as the reason for the later outcome being wrong.

### 3. Eliminating epistemic conditions of blameworthiness for consequences

#### 3.1. Why does the scope of blameworthiness matter?

Before I propose a theory of blameworthiness for consequences that is based on some recent accounts, I would like to outline a perspective from which the indirect libertarian should approach the problem of tracing in order to appropriately motivate the right kind of solution.

To begin with, the indirect libertarian should argue that the problem of tracing has less relevance than it is suggested by the above summary of the problem. Libertarianism can be considered as the theory of moral responsibility and blameworthiness that attempts to diminish the role of moral luck *as much as possible*. One of the main motivations of libertarianism is the conviction that one cannot be morally blameworthy/praiseworthy for something over which she does not have control. Bigger role luck has, the agent has less control. Since directly free decisions—provided that they exist—are those over which agents have the most direct and dominant control, libertarians should claim that the moral account of the agent is most directly and dominantly determined by how the agent exercises her ability to make directly free decisions. It would be the best for libertarians if they could say that luck has absolutely no role in shaping one's moral account with regard to moral blameworthiness or praiseworthiness; but if directly free decisions cannot be plausibly posited without admitting that luck has some role in producing them, they should aim to construct a theory in which luck has no other role in shaping one's moral account besides what one has to admit to provide a plausible theory of directly free decisions.

This is why the libertarian, if it is possible,<sup>7</sup> should deny resultant moral luck. Resultant moral luck cannot be, by definition, a kind of moral luck that should be posited in order to explain how directly free actions can be conceived in light of the facts of our actual world. Insofar as resultant moral luck exists, it means precisely that two agents can be blameworthy in a substantively different degree—even if all historical, metaphysical, and moral features of their directly free decisions are the same—because the very same type of directly free decision has different consequences in the two cases. That is, it follows from resultant luck that the moral account of any agent is significantly shaped by factors that have nothing to do with how the ability to make directly free decisions is exercised.

However, if there is no resultant moral luck and—as the indirect libertarians claim—moral blameworthiness for anything should be traced back to directly free decisions, then the moral account and the degree of any agent’s overall blameworthiness are determined by the degree of agent’s blameworthiness for her indirectly free actions. Applying this conclusion to Greg’s case, the indirect libertarian should claim that if we perfectly know all the relevant free decisions of Greg, we know the *degree of* his overall blameworthiness regardless of whether he is blameworthy for the distant consequences of his free decisions such as his unfair report about the employees.

So, the indirect libertarian—if it is feasible—should aim to provide a theory of responsibility for consequences according to which Greg’s degree of blameworthiness

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<sup>7</sup> In section 3.2., I propose a libertarian theory of tracing that gives a more detailed explanation why there is no resultant luck even in such a problematic case as Greg’s case. Hartman (2020) argues that even an indirect libertarian should embrace resultant luck. He claims that if a libertarian accepts circumstantial moral luck (and he argues also that libertarians should accept), then it is undermotivated to deny resultant moral luck because the two of them are analogous. According to Hartman, difference *d1* between No Start (who decides to drive recklessly but has to call a cab because her car does not start) and Merely Reckless (who sustains her intention to drive recklessly into overt action because her car starts) and difference *d2* between Merely Reckless and Killer (who also drives reckless but, contrary to Merely Reckless, hits a pedestrian) are analogous to each other. It is true about both differences that there is a relevant difference between the cases only in terms of luck whereas in both pairs of cases the event that provides bases for additional blaming depends partly on the agents’ agency and there is a fair opportunity to avoid being additionally blameworthy in all cases. However, I think his argument from analogy is not persuasive because the indirect libertarian could point out an additional difference between the pairs of cases. Merely Reckless seems to be additionally blameworthy because her *number of* opportunities to change her moral account is *higher* than the number of opportunities of Not Start. Merely Reckless could decide to not drive recklessly before and after she started her journey, Not Start has only one opportunity to make the good decision before she attempts to start her car. There is no such a difference between Merely Reckless and Killer. Thus, the indirect libertarian should stick to the idea that even if circumstantial luck contributes to additional blameworthiness in some cases, there is no such a thing as resultant moral luck.

is identical with the degree of blameworthiness for directly free decisions. Relatedly, she should claim that the only thing which hinges on whether Greg's blameworthiness for making an unfair report can be traced back to earlier directly free decisions is the exact *scope* of his blameworthiness. To put it differently, the indirect libertarian should insist that the problem of tracing has nothing to do with whether we can blame Greg to a high degree because this is secured by his directly free decisions for mocking his schoolmates. That is, the degree of Greg's blameworthiness would not be higher even if it turned out that he is blameworthy even for the unfair report. The basis of blame would change a bit (both the earlier directly free decisions and the unfair report would be the bases of blame not only the directly free decisions) if Greg were blameworthy even for the unfair report, but Greg would deserve to be blamed with the same *intensity and in the same manner* regardless of whether he is blameworthy for harming the employees of the company. The only issue is whether we can blame Greg only for one thing (harming his schoolmates) or for two things (harming his schoolmates and the employees of the company).

At this point, the question is whether the exact scope of blameworthiness is relevant at all in the light of that actual outcomes of directly free decisions do not influence the degree of blameworthiness. The libertarian—and anyone who believes that the primary sources of blameworthiness are not the outcomes but problematic attitudes, states, or mental actions—should give an explanation of why people blame agents *for* outcomes primarily despite the fact that they are not the fundamental source of blameworthiness. For example, if someone is cheated on by her spouse, she will frequently mention that her spouse cheated on her when she argues with her partner or expresses her sadness and anger to other people. She will mention it on fewer occasions that her spouse decided to cheat on her. This is curious because it could be the case that people mention the decisions first and foremost when they participate in blaming practices.

I investigate this issue because if the libertarian can answer the question why the actual outcomes are so central in our blaming practices, she is able to point out the function of attributing wider or narrower scope of blameworthiness. The example of blaming in the previous paragraph points toward a paradigmatic function of blaming

and determining the scope of blameworthiness that was recently analyzed in detail by Miranda Fricker (2014) under the label of ‘Communicative Blame’. According to Fricker, the paradigmatic form of blame is that the blamer accuses the wrongdoer at fault in order to “bring the wrongdoer to grasp in remorse the full significance of her behaviour with a view to promoting a change” (Fricker, 2014: 10).

Based on this plausible description of blame’s paradigmatic function, one can spell out what falling into the scope of blameworthiness implies. The events and states that fall into the scope of blameworthiness are those for which one should feel a kind of moral remorse that provides appropriate basis for her to change her attitudes and actions. To put it simply, the scope of blameworthiness is constituted by the events that provide a morally appropriate occasion for feeling remorse.<sup>8</sup>

From this perspective, one can see why outcomes can be found in the scope of blameworthiness. One can *easily refer* to outcomes that are morally wrong in a communicative situation in order to generate moral reflection, remorse, and moral change in the blamed one. In contrast with decisions, which are mental actions, outcomes are accessible publicly and this is why they can serve as better targets for communicative blaming practices than decisions. For example, it is hard to figure out under which description the unfaithful one decided to cheat on her spouse. It may be the case that she decided to cheat on her spouse because she wanted either paying back for something, satisfying her lust, having some romantic adventure, or even it can be the case that she did not decide to cheat on her spouse under the description ‘cheating on someone’, and so on. It is not even sure that unfaithful one knows the answer to this question. To raise the probability of having successful blaming-practice and commu-

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<sup>8</sup> Note, an event can be an appropriate occasion for feeling remorse even if the blamed one is unable to feel remorse about the event. For example, even if Greg cannot feel remorse about what he did, producing the unfair report is still fall into his scope of blameworthiness. It can be the case that blaming Greg cannot achieve its goal because Greg’s freely formed characteristic traits makes feeling remorse impossible but it would be still true that Greg deserves blame and Greg could not reasonably complain if someone blames him and tries to generate remorse. Greg could complain about that someone tries to generate remorse for event *e* only if i) *e* is not morally wrong, ii) Greg is not connected to *e* in an appropriate way (*e* is not Greg’s fault), iii) for some reason the blamer should not try to generate remorse because of her moral status or some other features of the situation. In the case of Greg, i) cannot be the case and iii) has nothing to with whether *e* provides a good occasion for him feeling remorse. Rather, it is only about whether the blamer has a good occasion to point out that *e* provides a good occasion for feeling remorse. In other words, iii) has nothing to do with whether the unfair report is in the scope of Greg’s blameworthiness. Section 3.2 focuses on what is needed for that Greg could not complain saying that the unfair report is not his fault.



nicative act, the blamer should blame the unfaithful one for something that happened without doubt: for cheating on her spouse. Moreover, the blamer should focus on the event that matters the most for the blamer and which has the most emotional impact on the blamer because this raises the probability that the blamed one gets the perspective of the blamer and takes moral significance of the wrongdoing seriously. In the previous example, it is easy to understand why the act of cheating and not the decision to cheat on the spouse has more emotional impact on the blamer.

If one takes into account the above explanation about why the scope of blameworthiness is relevant beyond figuring out the exact degree of blameworthiness, Greg's case can show why it is especially useful that the scope of blameworthiness is not too narrow. On the basis of the above view about the scope of blameworthiness, if Greg's unfair report was out of the scope of his blameworthiness, it would result in the fact that the employees could not appropriately generate remorse by focusing on the unfair report. In order to appropriately generate remorse, the employees should shift the attention from the present situation to Greg's morally wrong and directly free decision for bullying his schoolmates. However, this shift would be practically infeasible, given that the employees do not know anything about Greg's distant past. By contrast, insofar as the unfair report is in Greg's scope of blameworthiness, it is in principle<sup>9</sup> possible that the employees generate remorse appropriately by pointing out the unfairness of the report.

In light of this, Greg could complain only if the attempt of generating remorse by pointing out the unfairness of the report is inappropriate because it was, ultimately, not Greg's fault but a matter of bad luck that he failed to be aware of the reasons for making a more flattering report. In this case, he should feel no remorse but only agent-regret for making an unfair report which feeling does not imply that he should change morally. Therefore, in order to provide a theoretical basis for blaming Greg, the indirect libertarian should show why it was not a matter of (bad) luck that Greg was unaware of the relevant reasons for making a less negative report about the work-

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<sup>9</sup> It is only in principle possible that they can appropriately generate remorse by pointing out the unfairness of the report because it can be the case that Greg cannot feel remorse about his unfairness anymore. However, even if this were the case, it would be still true that if they generated remorse by pointing out the unfairness of the report, it would be an appropriately generated remorse.

ers and how the unfair report and his failure to see the reasons against making such a report can be explained by his free decisions. If the indirect libertarian can do this, she not only solves the problem with tracing but explains how resultant luck can be eradicated in such cases.

### 3.2. Tracing back blameworthiness by normal and morally relevant explanations

To eradicate resultant luck and deal with the problem of tracing back blameworthiness, the indirect libertarian should rely on approaches that explain the responsibility for unintended and/or distant outcomes without referring to epistemological principles which are similar to (KC). Fortunately, such theories were recently proposed by authors like Gunnar Björnsson, Karl Persson, Philip Robichaud, and Jan Willem Wieland.

Gunnar Björnsson and Karl Persson propose a general explanatory account of blameworthiness according to which, roughly, an agent is blameworthy for an event if the event can be normally explained by a morally substandard attitude of the agent. The indirect libertarian should harvest the advantages of such explanatory account because if foreseeability of an event does not need for being blameworthy for an event only that the event is properly explainable, then Greg's case is much less challenging. However, the indirect libertarian has to reject that the blameworthiness of any event should be explained by substandard attitudes because she holds that directly free decisions can be blameworthy regardless of their historical roots and these decisions explain blameworthiness for everything else rather than attitudes. Thus, the indirect libertarian should propose the following modified explanatory account of blameworthiness.

INDIRECT LIBERTARIAN MORAL BLAME:<sup>10</sup> X deserves moral blame for Y if and only if Y is morally bad and either it is a directly free decision or it is explained in a normal way by X's *quality of directly free decision* falling below what could be

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<sup>10</sup> In this paper, I would not like to argue that the libertarian should endorse Björnsson's and Persson's account of credit or something similar to it.

properly morally demanded of X. (For the original formulation see Björnsson, 2017: 152)

To put it briefly, agents can be blameworthy for morally bad directly free decisions and the morally bad consequences of these. However, one can be morally blameworthy for any bad consequence only if it is *normally explained* by the relevant standard directly free decision. Since this aspect is the most relevant one concerning the question why Greg's unawareness of the relevant reasons was not a matter of luck, a clarification of the notion of normal explanation is in order.

Insofar as the indirect libertarian modifies Björnsson's and Persson's theory in a way that directly free decisions have to explain every other instance of blameworthiness, she could spell out what she means about normal explanation in the context of responsibility-attribution through the following two, closely related principles.

General Explanatory Tendency (GET\*): Free decisions of event-type F are significant parts of a reasonably common sort of explanation of events of type T.

Explanatory Responsibility (ER\*): The case in question instantiates the right sort of general explanatory tendency: [Free decision] D is part of a significant explanation of [event] E of the sort mentioned in GET\*. (For comparison, see Björnsson and Persson, 2012: 330.)

At this point, the question is whether cases like Greg's instantiate the right sort of general explanatory tendency. It seems that this hinges on the level of description. On the one hand, if one describes Greg's case in a way that Greg's decisions to bully his schoolmates explain his unfair report about the employees, the explanatory connection does not seem to be a reasonably common sort of explanation. On the other hand, insofar as Greg's case is regarded as an instance of a rather typical causal story in which someone's decision or decisions to ignore some kind of reasons cause to

form a habit to ignore this type of reason, Greg’s mistake to make an unfair report is explained in a reasonably common sort of way.

In order to argue that the second level of description is the relevant one, I rely on Philip Robichaud’s and Jan Willem Wieland’s theory of tracing. In many regards, it is similar to Björnsson’s and Persson’s approach, but it spells out an important insight regarding the tracing of blameworthiness. Robichaud’s and Wieland’s key condition for tracing shows precisely that the most relevant level of description regarding the tracing of blameworthiness is the one in which the relations between the general moral reasons which underwrite the wrongness of the relevant events are explicit.

Robichaud and Wieland focus on cases in which the agent omits to inform herself and this omission leads to a later ignorant act that causes a morally relevant harm. Following Holly Smith (1983), they call the omission to inform oneself *benighting act*, and they refer to the later ignorant act as *unwitting act*. Since Robichaud and Wieland prefer to use the term ‘transfer’ instead of the term ‘trace’—though they explicitly claim that these terms refer to the same relation in a different way (Robichaud and Wieland 2019: 8 fn. 10)—they put their concern constraint in the following way.

**Concern constraint.** B1 [blameworthiness for the benighting act] transfers to B2 [blameworthiness for an unwitting act] only if the benighting act expresses a deficit of concern for the same consideration in virtue of which the unwitting act is wrong.

Robichaud and Wieland claim that we need the concern constraint because one cannot explain without it why blameworthiness can be traced back in some cases but not in other cases which are seemingly alike. Let us take the following pair of cases.

**Lazy Doctor.** Julie is a doctor. She is aware that in her specific area she is morally required to spend approximately 10 hours per week keeping up on practice-relevant research, and she heard that a colleague’s recent article reports new, important findings about the drug Inscientium. Julie has the time and energy to read it during work hours, but instead chooses to have coffee with a col-

league. She knows that she should read the study, but opts for the coffee break out of frustration over how far behind she is on her research. In fact, in the past week she did not spend any time reading practice-relevant journals. In the study that Julie fails to read, Inscientium—the most effective drug for treating hay fever—is decisively shown to cause fatal heart attacks in people with rare kidney conditions. The next day, Julie prescribes Inscientium to a patient with one of the rare kidney conditions who suffers a fatal heart attack as a result. (Robichaud and Wieland, 2019: 3)

And there is the second case.

*Lazy Friend.* Julie is a supererogatory doctor who is extremely concerned about her patients' well-being. She is so concerned that, although she is only morally required to spend approximately 10 hours per week keeping up on practice-relevant research, she always spends 15 hours doing so. Jaap, a science journalist and good friend of hers, is sick and wants to remain up to date during his sickness. He tells Julie about a recent article that reports new, important findings about the drug Inscientium. He asks her to read it and to tell him about its main finding. Julie has already spent 15 hours reading journal articles this week, but she promises to read that extra article to help Jaap. She has the time and energy to do so, but instead she chooses to have coffee with a colleague. She knows this is wrong, but she decides to do it anyway and subsequently fails to update Jaap. The next day, Julie prescribes Inscientium to a patient with one of the rare kidney conditions who suffers a heart attack as a result. (Robichaud and Wieland, 2019: 4)

It seems to be a reasonable intuition that Julie is blameworthy for prescribing Inscientium only in the first and not in the second case because Julie's blameworthiness can be traced back to skipping the reading of the relevant paper only in the first case. As Robichaud and Wieland argue, this is because prescribing Inscientium is wrong for the reason that it raises the probability of harming a patient in some circumstances, and deciding to not read the paper is wrong for this same reason only in the first case but not in the second case. In the first case, deciding to not read further papers is wrong because it results in Julie violating her professional obligations. And violating her professional obligation is wrong because it raises the probability of causing harm to the patients. In contrast, in the second case, her decision to not read the paper is

wrong not because she violates her professional duties. Rather, it is wrong because she breaks a promise she made to one of her friends. But breaking a promise is wrong not because it raises the probability of harming patients. So the reasons which underwrite the wrongness of prescribing Incentium and not reading the papers are not identical, and this explains why she is not blameworthy for prescribing Inscentium in the second case.

This theory of tracing that is compatible with Björnsson's and Persson's general framework has a great explanatory power with regard to tracing and shows that the relevant level of description is the one by which we can make the general moral reasons that explain why a particular action is morally wrong explicit.

Even though Greg's case is different from the cases on which Robichaud and Wieland focus, it can be regarded as a type of benighting act. Greg's decision to not care about the fact that the other students do not appreciate his disdainful glances, his derisive snorts or his snide remarks at their expense results in him not caring about the interests of defenseless people. This decision to ignore the defenseless people's interests, unbeknownst to Greg, shapes his characteristic traits in a way that he will be unable to even perceive the interests of defenseless people in some specific circumstances. In this sense, the decision for not caring about vulnerable people's interests and pursuing his self-interest is a kind of benighting act that results in an unwitting act: creating an unfair report about the employees. Since Greg's decision to ignore his schoolmates' interests and producing an unfair report about the workers are wrong for the same reason—namely, both of them make harming defenseless people more probable in normal circumstances—Greg's case instantiates not only a normal type of causation between two distant physical events but two actions that are morally closely connected to each other in spite of their distance in time. This is why the relevant level of description is the one in which the unfair report is ultimately explained by his earlier decision to harm his schoolmates and the character-forming effect of this decision. And this causal and moral connection explains why blameworthiness for the unfair report can be traced back to his much earlier decision to not care about the interests of defenseless people.

Before I summarize the answer to Vargas' and Shabo' challenge, I would like to make clear in what sense this approach denies epistemic conditions. To begin with, it does not necessarily deny that blameworthiness for *directly* free decisions has epistemic conditions. I tend to accept that one can be blameworthy for a morally wrong directly free decision only if she has the appropriate doxastic attitude towards the wrongness of the chosen option (this attitude can be believing in the wrongness of the option or perhaps a less robust doxastic attitude such as suspecting its wrongness).<sup>11</sup> This claim seems to be plausible to me because the appropriate doxastic attitude needs for that the agent has a fair opportunity avoiding blameworthiness for *directly* free decisions. However, the INDIRECT LIBERTARIAN MORAL BLAME denies that being blameworthy for any consequence of any decision which is blameworthy in itself has additional epistemic conditions. As even Shabo's description suggest, Greg's decision to continue mocking of his schoolmates in spite of their complains was blameworthy in itself partly because Greg had—at least—the dispositional belief that continuing mocking them is morally objectionable (even if most people regarded mocking them as the part of a normal day at school). At this point, Greg had the fair opportunity avoiding blameworthiness for both mocking his schoolmates and making an unfair report in the distant future even if he could not foresee that his decision has blameworthy outcomes even in the distant future. This is because he had the necessary doxastic attitude toward the moral value of continuing mocking in order to see that she should not choose this option.

It is time to wrap up how this approach of blameworthiness and tracing meets the challenge of Greg the Greedy. In light of INDIRECT LIBERTARIAN MORAL BLAME, Greg is blameworthy for making the unfair report in spite of the fact that he was determined to do so by his characteristic traits because it was his much earlier decision to ignore the interests of defenseless people that caused the situation—in a normal and morally relevant way—in which he could not see the reasons for making a better report. He made a moral mistake which was a result of a morally and causally related free decision; thus, this moral mistake provides an appropriate object for both

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<sup>11</sup> It may be worthwhile to note that it means that culpable ignorance is possible only if the ignorance of the agent can be traced back to an earlier blameworthy and directly free action.

blaming practices and feeling remorse. This is why Greg cannot provide an appropriate excuse on the basis of the fact that *he*, due to *his inculpable ignorance* about the character-forming effects of decisions,<sup>12</sup> could not have foreseen that his much earlier decision for not caring about defenseless people's interests will cause harm to his defenseless workers much later. It was not a matter of (bad) luck that his decision had such consequences later, but it was a normal causal and moral consequence of his wrong but free decision. The best that Greg can do is to not cast doubt on the appropriateness of the employees' blaming-reactions to the unfair report, feeling remorse and guilt for making the document and making a free decision to care more about those people's interests who do not have the power to defend themselves. He should do all of these things regardless of whether he or the workers could discover the ultimate source of his morally wrong act. If Greg feels remorse for making the unfair report because he feels guilt for acting in an unfair way, it is good enough because it will lead to the same exact moral change as if Greg felt remorse for neglecting the interests of his classmates. In this case, blaming Greg achieves its paradigmatic aim appropriately.

## Conclusion

In this paper I argued that indirect libertarians should substitute the epistemic conditions of responsibility for consequences with INDIRECT LIBERTARIAN MORAL BLAME in order to answer Vargas's and Shabo's challenge. That is, the indirect libertarian should claim that moral responsibility does not need the foreseeability of consequences in any way. Instead, mostly based on Björnsson's and Persson's framework, they should say that an agent is morally responsible for a wrong consequence if

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<sup>12</sup> At this point, I would like to mention the main difficulty of TEC (TEC is the other approach that is suggested for libertarians). According to TEC, if the agent was ignorant in the distant past about that morally wrong decisions may have strong negative influences on much later decisions that are made in rather different circumstances, then tracing back blameworthiness to an earlier indirectly free action of the distant past is possible only if the agent was culpably ignorant about the relevant causal tendencies. It is problematic because many people are inculpable for that they do not believe in the causal relevance of wrong decisions to much later decisions that are made in rather different circumstances. In contrast, INDIRECT LIBERTARIAN MORAL BLAME does not have this problem because the possibility of tracing back blameworthiness to an earlier action does not depend on whether the agent could have believed in the causal relevance of wrong decisions to much later decisions.



the consequence can be normally explained by a decision which falls below what could be properly morally demanded. Relying on Robichaud's and Wieland's theory, I also claimed that if one would like to give a normal explanation that is relevant with regard to tracing back an event, the appropriate level of description of events is the one which makes the reasons that underwrite the wrongness of the events in question explicit. This is because, as Robichaud's and Wieland's constraint condition claims, an agent's blameworthiness for a morally wrong event can be traced back to the blameworthiness for an earlier event only if both events express the deficit of concern for the same type of moral reason. Hence, the indirect libertarian can defend the claim that the blameworthiness of the agent for a later event can be traced back to an earlier event even if the agent could not foresee the occurrence of the later event. Therefore, insofar as the indirect libertarian embraces the proposed theory of blameworthiness for consequences, she is able to explain how the responsibility for morally wrong actions, characteristic traits, and mental states can be often traced back to a much earlier decision even if the agent should not have foreseen the distant consequences of it.

*Eötvös Loránd Research Network, Research Centre for the Humanities; Eötvös Loránd University, Faculty of Humanities.*

*Bernath.Laszlo@abtk.hu*

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