

## IS IT ALL JUST A MATTER OF LUCK?

Al Mele's *Free Will and Luck* is carefully and intelligently developed, beautifully clear, and persuasively makes a number of important points. That I say all that despite disagreeing with Al on most of the basic issues should suffice to convey my admiration for this fine work. The book is an extended essay on the way in which residual luck plagues a variety of accounts of agential or active control, threatening in different ways to undermine their claims to provide sufficient conditions on freedom of action and moral responsibility. Mele develops most fully the problem that luck is supposed to pose for different libertarian accounts of control (Chapter 3). His most striking claim (to me, anyways) is that the way in which control is exercised according to agent-causal accounts, no less than event-causal accounts, has the consequence that what obtains is still a matter of luck.

Now, that verdict sounds (and is meant to sound) like bad news for those libertarian theories. If I am deciding between telling a defamatory lie and resisting the inclination to do so, and it is in the end "a matter of luck" that I tell the lie, then it would seem to follow that I did not act freely and I am not morally responsible for my despicable action. What is significantly a matter of luck is to that extent beyond my control; and diminution of control correlates with diminution of responsibility. However, it is significant that Mele's way of posing the luck problem that he believes to face libertarian theories does not follow that simple chain of implication. He is willing to grant that certain theories offer wholly adequate accounts of an agent's active control, the control one exercises in the forming of a decision and/or performing an

action. *Even so*, he contends, on such accounts, how the agents exercise that control is a matter of luck.

Let's consider a specific application of Mele's problem. According to the generic theory of agent causation, when an action *A* of mine is directly free, my active control consists in my causing *A* or (as I shall here suppose) the decision to *A*. The form of causation here is distinctively personal and teleological: it is irreducibly a causing by me, the agent, such that this does not consist in anything along the lines of certain agent-involving events (such as a desire that would be promoted by the performance of *A*) causing the decision to *A*. Different specific accounts say different things about how such decisions and actions are guided by reasons. We might provide a causal or noncausal account of how reasons directly guide the exercise of agent-causal activity, or (with Clarke 2003) we might suppose that mental events and agents simultaneously cause the action in some coordinated or 'integrated' fashion. In §3.6, Mele considers whether Clarke's integrated agent-causal account can properly dispel worries about luck and he argues that it cannot. What is odd about the argument is how much it is willing to concede. Mele is willing to allow that agent causation might constitute "undiminished exercises of active control" (65) and even "enhanced control," a different form of control over one's actions than that provided by event-causal powers in compatibilist and event-causal libertarian theories (where the two forms of control may be had jointly) (68). Still, he remains unimpressed:

Even then, it seems to be just a matter of luck that an agent exercised his agent-causal power at *t* in deciding to *A* rather than exercising it at *t* in any of the alternative ways he does in other possible worlds with the same past and laws of nature. (68)

I find this statement curious—no, deeply puzzling—given what has been conceded. One might argue (as does David Widerker 2005) that causally undetermined exercises of agent-causal power are not transparently forms of control, and *for this reason* appeal to them does not automatically solve the luck problem. I do not accept the premise, but the inference is sound. But it is not immediately evident how it can be "just a matter of luck" that I exercise an enhanced (and seemingly maximal) form of control in acting as I did. Is the thought that it is an open question whether I controlled my controlling of my action? That doesn't seem to be a promising line of attack. While reading his attempt to press the problem of luck for libertarian theories, one might be tempted to read Mele as conceding only that standard theories (including agent-causal theories) each provide a type of control of varying degrees of impressiveness while failing to deliver an *ideal* type of control, which is what is required to avoid the role of luck in agency. (Consider what Mele says in arguing that luck remains a factor even if agent causation confers enhanced control: "One can enhance a collection of powers that is not up to the task of securing a capacity for free and morally responsible action and get an enhanced collection that also is not up to the task." 68) However, I believe that this way of reading his discussion is precluded by his eventual response to the problem of luck on behalf his favored libertarian theory of freedom, which I will discuss below.

At this point, a more promising line of inquiry is to determine just what Mele understands by the notion of "luck." The closest he comes to explicating this notion is when he provides the following sufficient condition:

...if the question why an agent exercised his agent-causal power at  $t$  in deciding to  $A$  rather than exercising it at  $t$  in any of the alternative ways he does in other possible worlds with the

same past and laws of nature is, in principle, unanswerable...because there is no fact or truth to be reported in a correct answer...and his exercising it at  $t$  in so deciding has an effect on how his life goes, I count that as luck for the agent. (70)

So, even if I am guided by reasons in exercising agent-causal control when deciding at  $t$  to  $A$ , if there is not a true contrastive explanation for why I exercised my control in that way *rather than* another way, for *each* of the alternative ways that it was then possible for me to exercise that control, then it is 'just a matter of luck' that I decide as I do.

Whether causal indeterminism in any manifestation is ever consistent with explaining why an actual outcome occurred rather than one of the causally possible alternatives is hotly disputed. Mele follows Christopher Hitchcock (1999) in allowing that contrastive explanations of this sort are sometimes available (72-3). But he seems to think this will not be the case for any indeterministic scenarios that a libertarian might envision, for the following reason. A contrastive explanation must appeal to some explanatorily relevant factor that is not already presupposed by the one seeking the contrastive explanation. (In presupposing a known factor  $F$ , the questioner is in effect asking, "Setting aside  $F$ , which is common to the actual and contrast cases, why did  $A$  occur rather than  $B$ ?") In considering whether there are contrastive explanations in standard libertarian scenarios, Mele suggests that it is appropriate to presuppose *the entire world history* up until the moment of choice, because

(SL) standard libertarian views hold that an action  $A$  performed at time  $t$  is (basically) free only if there are possible scenarios with the same past and laws in which the agent does other than  $A$  at  $t$ .

Therefore, since what is presupposed is identical for the actual choice to *A* and the possible alternative choice to *B*, there is nothing left to serve as a factor relevant to explaining the contrast. (73)

Now, as I shall explain shortly, I do not believe that Mele is correct to think that a great deal rides on whether there can be contrastive explanations of actions within a libertarian framework.<sup>1</sup> Nevertheless, I find the argument I just summarized to be questionable. Even though SL is true, it needn't be the case that anyone wondering why an agent performed action *A* at *t* is presupposing the entire past up to *t*. The pragmatics of explanation is a varied and messy business—why should every inquirer be presupposing this philosophical thesis in looking for a contrastive explanation of indeterministic actions, any more than inquirers looking for a contrastive explanation of an indeterministic quantum event presuppose its entire world history? Mele may insist, if he likes, that we do make this presupposition in the contexts that matter to questions of luck, in his sense of "luck". And then the question of whether an action is "a matter of luck" is straightforwardly settled by determining whether it was causally undetermined at the time of its occurrence—and if any standard libertarian view is the case, then basically free actions will indeed be "a matter of luck." But then Mele needs to tell us why we should *care* about this verdict.

We should care if the absence of contrastive explanations of the sort Mele has in mind implied that the actions in question are utterly inexplicable. Just about every libertarian

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<sup>1</sup> I consider the matter briefly in *Persons and Causes*, Ch.5.

philosopher will grant that no action that is utterly inexplicable can be free and such that the agent is morally responsible for it. But libertarians standardly maintain that causally undetermined actions admit *noncontrastive* explanations—'how actually' explanations that cite the causes and/or reasons that prompted the actual choice. (Compare noncontrastive explanations in stochastic physical theories that cite the actual cause of an event even though the event need not have occurred.) Mele does not explicitly challenge the possibility that there can be true noncontrastive explanations within the sort of scenarios envisioned by standard libertarian theories. So it behooves him to say more about just why we should care whether a certain stipulated sense of "luck" permits an inference from the unavailability of contrastive explanations to the conclusion that certain contrastive facts—facts of the form, agent *S*'s choosing to do action *A* rather than choosing to do action *B*—are "a matter of luck." (Presumably, the sanguine libertarian will draw the line at Mele's occasional use of the intensifier "just." While we might learn to treat "is a matter of luck" as benign, "is *just* a matter of luck" seems unredeemable.)

Curiously, Mele agrees in the end that a decision's being a matter of luck in his sense is consistent with its being freely and responsibly formed. It is the burden of Chapter 5 to show that *Daring Soft Libertarianism* (DSL), a model he proposes without endorsing, features 'lucky' choices of just this sort. On this straightforward model, an agent's reasons for choosing *A* nondeterministically cause the decision to *A*. It also highlights the way that prior decisions influence the probabilities of later decisions and contends—to my mind very plausibly—that this allows for responsibility to grow over time, as more and more of my choice-shaping character is a result of earlier free choices. (122-25)

Some libertarians are attracted to this kind of view, while others contend that we need to appeal to a primitive capacity of agent causation to secure the kind of control required for freedom and responsibility. Mele contends that the libertarian should prefer DSL to any agent-causal account. His contention (stated very briefly on 113 and again on 134) is rooted in the conclusion he draws from the problem of luck, viz., that any libertarian view must admit that indeterministic choices involve a measure of luck. Since agent causation "leave the problem intact" and (to his mind) is of doubtful coherence, it can only worsen the likelihood of our theory. His argument might be put this way: the basic metaphysical requirements of freedom of action and moral responsibility are agent control plus the absence of responsibility-undermining luck. DSL provides the necessary control. It also entails a kind of luck (as all theories do), but not a responsibility-undermining kind. Since it makes the fewest theoretical posits of a robust libertarian theory, it is the preferred option for those in the market for such a theory.

The flaw in this argument is that it tries to skirt disputes concerning the differing *kinds* or *degrees* of control that different libertarian views afford. In particular, Mele does not directly rebut the claim that agent causation provides an enhanced form of control unavailable on any purely event-causal view. Suppose this is correct and, further, agent-causal choices (no less than DSL choices) have true, noncontrastive explanations. (It is hard to see how one could deny the latter claim for an integrated agent-causal theory such as Clarke's, which essentially *adds* the presence of an agent-causal relation something like Mele's DSL picture.) Then there would seem to be a strong *prima facie* case to be made that agent-causal accounts allow for at least a *greater degree* of freedom and responsibility.

That Mele doesn't consider this response suggests that his notion of "luck" is meant to do more work than indicating that a choice lacks a contrastive explanation within certain interrogative contexts. Here we should be mindful that in its original context, 'the problem of luck' was posed as a challenge specifically to event-causal libertarian views, and the philosophers who pressed it were often as not agent causationists. So Mele's argument that agent-causal accounts leave the problem intact is meant to neutralize the impact of this problem for intra-libertarian debates. Viewed in this light, it might be best after all for the agent causationist to dig in his heels over what is meant by "luck" in 'the problem of luck.' It is his (my) position that, on event-causal libertarian theories (including DSL), an agent *controls* which of a range of possible indeterministic choices is actually made in at best a highly attenuated sense. In a corresponding sense, which choice is made, on such theories, is a matter of "luck" (good or bad as may be). We further contend that, within the context of a suitably developed theory of the guiding role of reasons, the concept of agent causation captures the missing element of direct control, so that agent-causal theories are *not* plagued by any *problem* of luck, though it is consistent with a stipulative notion of "luck" that is tied to the absence of conditions grounding certain kinds of contrastive explanations. Undoubtedly, Mele disagrees with all this. The question is, does he provide his reader with any reason to join him in this dissent? As best I can determine, he does not. And by not directly challenging the claim that agent causation can provide an enhanced form of control, Mele places himself in an awkward dialectical position: to my ears, 'enhanced direct control, but no less lucky' doesn't have the ring of truth.

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## References

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