

The Thirsty Traveler and Luck-Free Moral Luck

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Abstract. This article is divided into three sections. In the first and second sections, I examine Sartorio's account of the causal structure of the famous *Thirsty Traveler* thought experiment. I argue that this account does not withstand critical scrutiny. In the third section, I turn to a novel kind of moral luck that Sartorio uses the *Thirsty Traveler* to expose. I expand the scope of my argument to look also at other recently proposed categories of moral luck. I argue that these proposals are overhasty.

Keywords: Thirsty Traveler, moral luck, moral responsibility, causal responsibility, Sartorio

Ištroškęs keliautojas ir moralinė sėkmė be sėkmės

Santrauka. Šis straipsnis padalintas į tris dalis. Pirmojoje ir antrojoje dalyse pristatau žinomą Ištroškusio keliautojo mintinį eksperimentą ir analizuoju, kaip Carolina Sartorio aiškina jo kauzalinę struktūrą. Teigiū, kad kruopštesnis nagrinėjimas atveria šio aiškinimo spragas. Trečiojoje dalyje nagrinėju Sartorio siūlomą naują moralinės sėkmės rūšį, kurią, jos manymu, Ištroškusio keliautojo atvejis atskleidžia. Toliau išplečiu argumentacijos lauką apžvelgdamas kitas šiuolaikines moralinės sėkmės kategorijas ir darau išvadą, kad visos jos nepakankamai apgalvotos.

Pagrindiniai žodžiai: Ištroškęs keliautojas, moralinė sėkmė, moralinė atsakomybė, kauzalinė atsakomybė, Sartorio

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Introduction

Consider the following conundrum:

A man is about to take a trip into the desert. In preparation, he fills his canteen with water. The man has two enemies, X and Y, who want him to die. At T1 X drains the water out of the canteen and refills it with salt (so that it won't feel empty and the traveler won't notice the change). Unaware of what X has done, Y then steals the canteen, at T2, thinking that it's still filled with water. The thirsty traveler dies of thirst at some later time, T3. Two (apparently related) questions arise. First, the causal question: Who caused the thirsty traveler's death? Second, the moral responsibility question: who is morally responsible for his death? (Sartorio 2015: 3, emphases omitted)¹

This example, known as the *Thirsty Traveler* thought experiment (henceforth: *Thirsty*), has been the subject of much dispute, and various philosophers have defended various solutions. To see why it is confusing, suppose, first, that X is the cause of the traveler's death. This might seem like a natural response given that X is first to play, so to speak, and, more, given that X empties the traveler's canteen. But, it is difficult to see why emptying a canteen that is miles away (in Y's possession) at T3 (when the traveler dies) would cause the traveler to die of thirst. So, we then might suggest that Y is the cause of the traveler's death. After all, Y stole the canteen – and X is not the cause – so it must have been Y. But, it is difficult to see how stealing a canteen filled with salt could cause the traveler to die of thirst. So, did neither X nor Y cause the traveler's death? That seems absurd. Had X and Y not acted as they did, the traveler would still be alive. Perhaps X and Y jointly caused the traveler's death. But, then X is a cause, and we already have seen that X was *not* a cause, and likewise for Y. And around we go.

Recently, Sartorio has argued that neither X nor Y is a cause of the traveler's death. According to Sartorio, the traveler's death is caused by an uncaused disjunctive fact, the traveler's canteen is emptied or stolen, and she maintains that this can be used to illustrate a new kind of moral luck. But, I think that Sartorio is mistaken. For one thing, I disagree with Sartorio's analysis of *Thirsty*. For another, I think that Sartorio is one of a cadre of recent philosophers who, in trying to expand the traditional categories of moral luck, fail to do so because they pay insufficient attention to the nature of luck.

This article is divided into three sections. In the first and second sections, I examine Sartorio's account of the *Thirsty's* causal structure. I argue that this account does not withstand critical scrutiny. In the third section, I turn to Sartorio's novel kind of moral luck, and I expand the scope of my argument to look also at other recently proposed categories of moral luck. I argue that these proposals are overhasty.

¹ I am using the pagination for the version of the article available on Sartorio's website: <http://sartorio.arizona.edu/files/Method.pdf>, accessed on 12 March 2022

1. Sartorio's argument for why neither X nor Y causally contributes to the Traveler's death

Sartorio proposes to solve *Thirsty* by examining variations in which the only difference is in the epistemic states of one of the agents. Sartorio reasons that, "if the only difference (at least the only difference concerning the agent himself) has to do with the agent's epistemic state, then his causal contribution should be the same as in the original case" (Sartorio 2015: 8–9). Here are the two variations she proposes:

Variation 1: Whereas Y is the traveler's archenemy and wants him to die, X is, in contrast, the traveler's best friend. X is aware of Y's plan to steal the canteen from his beloved friend [...] X has tried to persuade his friend not to take the trip but the traveler is completely determined to do it. The traveler also refuses to believe that anyone might want to kill him, so he fails to take any additional precautions [...] Sadly realizing that he won't be able to prevent his friend's death, and seeking anticipated revenge on the death of his friend, X drains the water out of the canteen and fills it with salt so that at least Y will also die of thirst (he knows that Y will be counting on the stolen canteen to survive). As predicted, Y steals the canteen, which is at that point filled with salt, the traveler dies of thirst, and so does Y. (Sartorio 2015: 9)

Variation 2: Now Y is the thirsty traveler's best friend and X is his worst enemy. X has already drained the water out of the canteen and replaced it with salt. Y is aware of what X has done but, unfortunately, there is nothing he can do to warn his friend or to prevent his death. Still, imagine that he can take away his canteen somehow, without his friend noticing. Imagine, further, that, anticipating that his friend would take at least a sip from the canteen before realizing that it contained salt, and believing that the taste of salt in his mouth would make his death even worse (if only by a little), Y takes away the canteen. (Sartorio 2015: 11)

Sartorio maintains that her intuitions are clear about Variations 1 and 2: in Variation 1, Y is a cause of the traveler's death but X is not, and, in Variation 2, X is a cause of the traveler's death but Y is not. Sartorio then argues that, because X's causal contribution in Variation 1 is the same as it is in *Thirsty*, it follows that X is not a cause in *Thirsty*, and because Y's causal contribution in Variation 2 is the same as it is in *Thirsty*, it follows that Y is not a cause in *Thirsty*. Thus, Sartorio concludes that neither X nor Y causes the traveler's death in *Thirsty*.

However, the same argument-setup can get us to a contrary conclusion.² To see how, note, first, that Y's causal contribution in Variation 1 is the same as it is in *Thirsty* and, second, that X's causal contribution in Variation 2 is the same as it is in *Thirsty*. It follows from this that, if Y is a cause in Variation 1, then Y is a cause in *Thirsty*, and, further, if X is a cause in Variation 2, then X is a cause in *Thirsty*. Since Sartorio thinks that Y is indeed a cause in Variation 1, and because she thinks the same of X in Variation 2, it may be concluded that both X and Y cause the traveler's death in *Thirsty*, which is exactly the opposite of Sartorio's desired result.

² This objection is originally raised in (Talbert 2015: 178–179). However, Talbert seems to find Sartorio's response, which I shall challenge below, persuasive.

In response to this, Sartorio asserts that Y's causal contribution in Variation 1 is not the same as it is in *Thirsty*. This is because, according to Sartorio, in Variation 1, but not in *Thirsty*, X's act is caused by Y:

One difference between the original thirsty traveler scenario and Variation 1 is that here X's act is caused by Y's having planned to steal the canteen. But note that this only generates a difference in Y's contribution towards the death (Y clearly causes the death in this case); X's own contribution towards the death arguably remains the same, since what he does is exactly the same (he substitutes salt for water in a canteen that will later be stolen, before the man tries to drink from it). (Sartorio 2015: 10n6)

If Y's causal contribution in Variation 1 is not the same as it is in *Thirsty*, then we may not infer, from the fact that Y is a cause in Variation 1, that Y is a cause in *Thirsty*. Sartorio evidently reasons similarly about X in Variation 2 (Talbert 2015: 179n5). That is, X's contribution in Variation 2 is not the same as it is in *Thirsty*, and so we may not infer, from the fact that X is a cause in Variation 2, that X is a cause in *Thirsty*.

Yet, Sartorio's response makes things worse rather than better. For one thing, if the change in X's epistemic states changes Y's causal contribution in Variation 1, then it is hard to see how X's own causal contribution could not be changed by these same epistemic states, and the same point holds *vis-à-vis* Y's epistemic states and Y's own causal contribution in Variation 2. In other words: we might grant that Y's contribution in Variation 1 is not the same as it is in *Thirsty*, but only if we also say that X's contribution in Variation 1 is not the same as it is in *Thirsty* – and similarly for Variation 2. Thus, Sartorio's response threatens to scuttle the reasoning with which she began: if she has successfully answered the objection, the success is pyrrhic.

For another thing, Sartorio's claim that, in Variation 1, X's act is caused by Y's having planned to steal the canteen is almost certainly false (and a similar point can be made about Variation 2). A libertarian theory of free will, or a theory of agent causation, would not grant that X's act is caused by anything. And, although a compatibilist or a hard determinist would say that X's act is caused, they would have a hard time, absent some questionable assumptions about telekinesis, making sense of the idea that *X's act* is caused by *Y's plan*.³ So, not only does Sartorio's response to the objection above threaten to show too much (insofar as it threatens to undermine not only the objection but also her original argument), but, more, it is built on a claim which does not withstand critical scrutiny.

Finally, even if we accept Sartorio's claim that X's act is caused by Y's plan, it seems to lend support to the idea that X is a cause in Variation 1. As Sartorio envisions the scenario, there is a causal chain in Variation 1 which begins from Y, traverses through X, and ends with the traveler's death, which suggests that X is a (mediate) cause of the traveler's death in Variation 1, and the same reasoning shows that Y is a (mediate) cause of the traveler's death in Variation 2. I conclude that Sartorio's response to the objection above does not work, and she has not satisfactorily demonstrated that neither X nor Y is

³ On a compatibilist belief-desire account, X acts as he does because of his beliefs about Y's plan in conjunction with the corresponding desires. To act because of a belief about ϕ is not the same as acting because of ϕ .

a cause of the traveler's death in *Thirsty* rather than that both X and Y are causes of the traveler's death in *Thirsty*.

One last thing, Sartorio wants to use our intuitions about the causal contributions in Variations 1 and 2 to elucidate our intuitions about the causal contributions in *Thirsty*. But there is no reason to move in this direction; we could move from our intuitions about the causal contributions in *Thirsty* to our intuitions in Variations 1 and 2. Perhaps, the unclarity in our intuitions about the causal contributions in *Thirsty* should be used to call into question the seeming certainty that Sartorio has about the causal contributions in Variations 1 and 2. I conclude that Sartorio's attempt to show that X and Y are not causes of the traveler's death in *Thirsty* does not work.

2. Sartorio's positive account of *Thirsty*'s causal structure

My objections in the previous section do not show that either X or Y plays a causal role in the traveler's death. My objections show only that, even if neither X nor Y contributes causally to the traveler's death, Sartorio's arguments do not give us a reason to think so. Nonetheless, as we shall see now, this opens up Sartorio's positive account of the *Thirsty*'s causal structure to an important line of objection.

According to Sartorio, the traveler's death is caused by the fact that the traveler did not have a water-filled canteen at time T3. This state of affairs is, in turn, caused by the disjunctive fact that the traveler's canteen was filled with salt or stolen before T3. This disjunctive fact, however, is an uncaused cause on Sartorio's account. It is entailed (but not caused) by the fact that X filled the canteen with salt at time T1, and it is also entailed (but not caused) by the fact that Y stole the canteen at time T2. So, although neither X nor Y caused the traveler's death, they each did something that guaranteed (logically speaking) the state of affairs that caused the traveler's death (namely: not having a water-filled canteen at T3), thereby making this a case of logical, rather than causal, overdetermination. Here is how Sartorio puts it:

The main point that we should extract from [this analysis] is that the death wasn't caused by the agents' acts themselves; however, it was caused by something *entailed or guaranteed* by the agents' acts. Given that the acts themselves didn't cause the death, the agents themselves didn't cause the death (since to say that an agent caused something is arguably just to say that something the agent did or failed to do caused it). However, even if the agents didn't cause the death, they are still connected to the death in an important way, given that, again, something entailed by or guaranteed by their acts caused the death. (Sartorio 2015: 15)

However, I do not think that Sartorio's account is correct. Granting, for the sake of argument, that there are disjunctive facts and that they can be causes, I think there are strong presumptive grounds for saying that both X and Y causally contribute to the disjunctive fact "the traveler's canteen is filled with salt or stolen before T3." X contributes to this disjunctive fact by filling the canteen with salt before T3, and Y does so by stealing the canteen before T3.

Sartorio denies that either X or Y causally contributes to this disjunctive fact solely on the grounds that, if they had done so, then, by transitivity, they would have caused the traveler's death – and Sartorio's only reason for denying that X or Y caused the traveler's death is the analysis examined in the previous section of this article. So, if my critique of this analysis withstands critical scrutiny, then, Sartorio's rationale for denying that X or Y causally contributes to the disjunctive fact collapses.⁴

To clarify the problem with Sartorio's account, consider the following variation of *Thirsty*:

Variation 3: A man is about to take a trip into the desert. In preparation, he fills his canteen with water. The man's enemy, X, wants him to die. But X is extremely neurotic and also somewhat forgetful. At T1 X drains the water out of the canteen and refills it with salt (so that it won't feel empty and the traveler won't notice the change). But then X begins to doubt whether he really carried out the substitution (maybe it was just a dream). So, X then steals the canteen, at T2, thinking that it's still filled with water. The thirsty traveler dies of thirst at some later time, T3.

If Sartorio's analysis of *Thirsty* is accepted, then it applies also to Variation 3, whence it follows that we must conclude, even in Variation 3, that X does not cause the traveler's death. But, to my mind, this is sufficiently counterintuitive to constitute a *reductio* of Sartorio's analysis. Had X not gone back to steal the canteen in Variation 3, then he would have caused the traveler's death. Thus, on Sartorio's account, X *erases* his causal contribution to the traveler's death in Variation 3 by stealing the canteen. This, I think, cannot be correct. So, what should we say about *Thirsty's* causal structure?

I am tempted by two different (and mutually exclusive) lines of thought. The first is that, as Sartorio argues, the cause of the traveler's death is the disjunctive fact "the traveler's canteen is filled with salt or stolen before T3." If this is correct, then, Sartorio's mistake is merely to claim that this disjunctive fact is an uncaused cause. This disjunctive fact is caused by both X and Y (*pace* Sartorio). But, what about the objection rehearsed in the opening paragraph of this article: if both X and Y caused the death of the traveler, then X caused the death of the traveler, and this is absurd? The answer to this question is: the objections that show that it is absurd to assert that X or Y caused the death of the traveler do not impugn X and Y as the joint cause, and that is what this line of thought advocates.

The second line of thought that I find tempting is that X is the primary cause of the traveler's death. The idea is that the traveler dies from not having water, and X is the primary cause of this fact. On this analysis, Y does not contribute causally to the traveler's death and, indeed, X is the primary cause of this, too. That is, X is the primary

⁴ In email correspondence, Sartorio defends her account of *Thirsty* and the variations by appeal to counterfactual dependence. She argues that, in the variations, there is counterfactual dependence between what the agents do and the outcome, whereas there is no such counterfactual dependence in the original case.

But, the disjunctive fact, "the traveler's canteen is filled with salt or stolen before T3," depends counterfactually on the conjunction of X's and Y's acts. So, if we accept that counterfactual dependence is sufficient for causation, then we ought to accept that X and Y are a joint cause of the traveler's death (via Sartorio's disjunctive fact) and, thus, once again, we ought to reject Sartorio's claim that this disjunctive fact is an uncaused cause.

cause not only of the traveler's death, but also of the fact that Y merely attempted to be the primary cause of the traveler's death. On this line of thought, Y's causal contribution is, at most, something like removing a background condition (namely: the traveler's canteen) that would be necessary for the traveler to live, and it is unclear whether Y's causal contribution is any bigger than the traveler's (for the traveler might have easily rectified the situation had he only double-checked his water supply before leaving). What of the objection rehearsed in the opening paragraph of this article, namely: it is hard to see how X can be the cause of the traveler's death given that the canteen was miles away from the traveler (in Y's possession)? The answer to this objection is: its plausibility lies in the fact that, if we reversed the actions of X and Y, so that Y steals the canteen at T1 and X drains the water out of it at T2 while it is in Y's possession (perhaps thinking, mistakenly, that Y intends to give the canteen back to the traveler), then X's action is rendered causally inefficacious. That is what the objection is based on. But precisely because that is not what happened, X's action is the primary cause of the traveler's death.

Which of these two lines of thought is correct? I am not sure, and I do not need to be for my purposes in this article. My larger goal here is *not* to defend a particular account of *Thirsty's* causal structure but, rather, to use Sartorio's remarks about *Thirsty* in order to highlight a problem with recent work on moral luck. So let me turn to that now.

3. From the Thirsty Traveler to moral luck

Recall that there are two questions in *Thirsty*. The first question is about causality; the second is about moral responsibility. Sartorio argues that X is morally responsible for the traveler's death in *Thirsty*. But she asserts that, if Y is replaced with some natural occurrence, like a lightning strike, then X is not morally responsible for the traveler's death. Let me explain this in more detail.

If X replaces the water in the traveler's canteen with salt, but then the canteen is vaporized by a lightning strike and the traveler subsequently dies of thirst, then, according to Sartorio, X is not responsible for the traveler's death. But, X is responsible for the traveler's death in *Thirsty*. And now we can note three things: (1) whether Y is replaced with lightning is not within X's control; (2) X's responsibility is not the same if Y is replaced with lightning; and (3) X's causal contribution to the traveler's death is the same if Y is replaced with lightning. From (1) and (2), Sartorio infers that (4) this is an instance of moral luck, for moral luck is when differential moral judgments are due to factors outside an agent's control; and from (3) and (4) Sartorio infers that (5) this is a new form of moral luck, for moral luck regarding the results of agents' actions typically has concentrated on whether those results are due to luck, not on whether the presence and nature of the other causal factors that bring about those results are due to luck. Here is how Sartorio puts it:

[W]hat gives rise to this new form of luck is an unexpected *break* between causation and responsibility. There can be this type of luck because the issue of responsibility can be up for grabs even after we've settled the issue of causation; in other words, because settling the causal facts may not be enough to settle the responsibility facts. The thirsty traveler scenario

suggests that this can in fact happen. And then all that's needed for the new type of resultant luck to arise is the contrast between the original scenario and the natural variations. Although the agent's own causal contribution is the same in both cases, we see that his responsibility can vary depending on whether he's in the original scenario (where he seems responsible) or in a natural variation (where he doesn't seem responsible). That's how we end up with a difference in responsibility without a difference in causal contribution. (Sartorio 2015: 26–27)

Now, I do not share Sartorio's intuition that X is not responsible if Y is replaced with a bolt of lightning. But, overlooking this, there are two things that are notable about what Sartorio says here. The first is a matter of detail. If Sartorio's analysis of *Thirsty's* causal structure is carried forward, then X makes no causal contribution to the traveler's death in *Thirsty*. So, suppose that it starts to rain before the traveler dies of thirst and, consequently, the traveler does not die.⁵ Or suppose that the traveler is bitten by a poisonous snake on the first day of his travels and he dies from venom rather than from thirst. In either of these scenarios, X's causal contribution to the traveler's death is exactly the same as it is in Sartorio's account of *Thirsty*, namely: zero. But, X's moral responsibility in these alternate scenarios is also different: it makes no sense to hold X responsible for the traveler's death if the traveler does not die, and (unless X put the poisonous snake in the traveler's bag or something) X is not responsible for the traveler's death if the traveler dies from venom rather than from thirst.

To my mind, this illustrates once more that Sartorio's account of *Thirsty's* causal structure should be rejected. I think it is absurd to say that X's causal contribution to the traveler's death is the same in all three of the following scenarios: (a) X replaces the water in the traveler's canteen with salt and the traveler dies of thirst; (b) X replaces the water in the traveler's canteen with salt and the traveler survives on account of the rain; and (c) the traveler dies from a snakebite. But, the point for the present purposes is that, if Sartorio's account of the causal structure is accepted, then, despite what Sartorio says, the phenomenon she has in mind is not merely the result of a break between causal contribution and responsibility. Rather, it is the result of (i) a break between causal contribution and responsibility conjoined with (ii) the fact that the nature of the causal entity at the nodes in the causal chain can be altered without altering the identity of the terminus but while nonetheless supposedly altering responsibility. That is, a break between causal contribution and responsibility is necessary but not sufficient to bring about the phenomenon Sartorio has in mind. In addition, we must be able to switch things in and out of our causal chain in such a way as to alter an agent's responsibility (in this case: whether X is responsible for the traveler's death) without altering what is caused (namely: the traveler's death).

The second thing that is notable is that Sartorio does not analyze the nature of luck. Sartorio gestures to the fact that lack of control is necessary for luck. But, for her claim about having uncovered an important and novel form of moral luck to be true, she needs something stronger; she needs lack of control to be sufficient for luck (this is evident in the move from (1) and (2) to (3) in the argument above). The reason this is notable

⁵ This seems likely if the traveler's canteen can be vaporized by lightning; there is tension here.

is that the sunrise objection, which says that although we lack control over the sunrise it is nonetheless not lucky, shows otherwise: lack of control is *not* sufficient for luck (Whittington 2014: 657).

One common move in response to the sunrise objection is to adopt a hybrid account of luck, according to which, luck requires not only lack of control but also modal fragility. This move is not universal: there are those who double-down in the face of the sunrise objection, by arguing that moral luck is not a species of luck. I shall address this latter strategy at the end of this section. For now, the point I want to make is that adopting a hybrid account of luck complicates Sartorio's claim to a new form of moral luck.

The trouble is that, in any scenario in which there is the possibility of a modally fragile natural event replacing the causal contribution of one of the agents, whether that agent acts is by itself modally fragile. Moreover, given the length of the causal chains required to accommodate all of this, whether the terminus of that chain actually takes place (in the example above, whether the traveler dies), or whether it takes place through an entirely different causal mechanism (in the example above, whether the traveler is bitten by a poisonous snake) is also likely to be modally fragile. From this, it follows that moral luck of the kind Sartorio wants to isolate cannot actually be disentangled from moral luck in an agent's responsibility for the results of her actions that is due to other factors. This, of course, does not impugn the existence of Sartorio's new kind of moral luck. But, it does suggest that it is a less important kind of moral luck than she contends. When this is combined with the problems we have been exploring above, including the dubious nature of the intuitions about moral responsibility (the rejection of which *does* impugn the existence of Sartorio's new kind of moral luck), it should give pause.

At first blush, this might seem like a relatively limited result. But, it can be expanded, for a brief survey of recent literature on moral luck, and especially recent literature on novel forms of moral luck, reveals that much of it suffers from a similar problem: a failure to consider the nature of luck and, in particular, a failure to consider that lack of control is insufficient for luck. Not only does this mean that many of these accounts fail as such, but, more, it undermines what is distinctive (and distinctively troubling) about the phenomenon of moral luck.

To see this, we can turn, first, to Sartorio's own recent analysis of resultant luck. According to Sartorio, A is subject to resultant luck with respect to O in virtue of behavior B if and only if:

Either:

- (I) (a) A is morally responsible for O
- (b) B resulted in O in the right way
- (c) (a) rests on (b)
- (d) The fact that (b) holds is not fully in A's control

Or:

- (II) (a) A is not morally responsible for O
- (b) It is not the case that B resulted in O in the right way
- (c) (a) rests on (b)
- (d) The fact that (b) holds is not fully in A's control. (Sartorio 2012: 85)

Sartorio arrives at this account in part by an analysis of a novel kind of resultant luck, resultant luck by omission:

As far as I am aware, the literature on moral luck contains no discussion of the phenomenon of resultant luck by omission. But reflecting on this phenomenon can help us get a better grip on the concept of resultant luck. (Sartorio 2012: 72)

To illustrate, Sartorio uses the following vignette:

Sharks: While walking by the beach, Bad Samaritan sees a child drowning. He thinks he could easily jump into the water and save him but decides not to do so. The child dies. Unbeknownst to Bad Samaritan, the water is infested by sharks. Had he jumped in, the sharks would have attacked him and prevented him from saving the child. (Sartorio 2012: 70)

According to Sartorio, (1) Bad Samaritan is not responsible for his failure to save the child or for the child's subsequent death; (2) it is not the case that Bad Samaritan's decision not to save the child resulted in his failure to save the child or the child's subsequent death in the right way (after all, had Bad Samaritan attempted to save the child, the sharks would have prevented him – in other words: his ability, which he chose not to exercise, was already masked); (3) the fact that Bad Samaritan is not responsible for these things rests on (2); and (4) the fact that (2) holds is not fully in Bad Samaritan's control (Bad Samaritan does not even know about the sharks). Thus, Sartorio concludes, Bad Samaritan's non-responsibility is a matter of moral luck.

But, Sartorio is mistaken. The fact that the water is infested by sharks is not modally fragile, and (again, apropos of the sunrise objection) not being fully in A's control does not suffice for luck. Thus, although Bad Samaritan might not be morally responsible for the child's death, this is not an instance of moral luck; Sartorio's account has a false positive.

Now, it might be objected at this point that Sartorio's account is easy to retool in response to this. For one thing, the vignette can be rewritten to make the shark infestation modally fragile. For another thing, (d) clauses in Sartorio's analysis of resultant luck can be rewritten as follows: the fact that (b) holds is a matter of luck. However, I would like to say two things in response to this.

First, many of the examples Sartorio uses to motivate and refine the other clauses in her analysis face a similar problem – i.e., their status as instances of resultant luck is impugned because they do not seem to involve luck. But, analysis which rests on intuitions elicited from specific cases must be set aside if those cases need to be rewritten, for the cases might elicit contrary intuitions when they are crafted more carefully.

Second, many other accounts of novel forms of moral luck are wholly overturned by this problem. For example, Zimmerman coins the term 'deontic luck' to refer to luck regarding propositions that concern "what one is morally obligated to do" (Zimmerman 2019: 219, emphasis omitted).⁶ To illustrate, Zimmerman notes that, if ought implies

⁶ The ensuing discussion in his article makes it clear that, although Zimmerman only mentions what one is morally obligated to do, he also has in mind other deontic categories, including the permissible, the forbidden, and the supererogatory.

control and if control is impossible, then no one can be morally obligated to do anything, and, thus, “for each person S and action A, the proposition that S is not morally obligated to do A is both true and wholly beyond S’s control [...] a global form of deontic luck” (Zimmerman 2019: 219, emphasis omitted). But, if control is both impossible and necessary for an agent to be obligated to do anything, then it is not modally fragile that any proposition of the kind Zimmerman mentions is false: such propositions are false in all possible worlds. So, this is not a form of moral luck at all, much less a global form of moral luck. Indeed, Zimmerman’s example plausibly could be taken as an additional reason (in addition to the sunrise objection) to include a chanciness condition in accounts of moral luck: in most theories of the nature of moral obligation, most obligations are not within the agents’ control.⁷ So, without the addition of a chanciness condition, every deontic proposition is going to be a matter of luck, regardless of whether ought implies control or whether control is impossible, which seems absurd.⁸

Lillehammer introduces what he calls diachronic choice-independent circumstantial luck, in which agents who behave in the same way are evaluated differently because of their historical circumstances. To illustrate, he considers the way in which attitudes toward biases like racism have changed through time:

Consider Citizen I, who is generally able to control their (explicit or implicit) biases in their dealings with some “out-group,” while carrying out their professional activities in a public institution in early 20th Century Western Europe. Compare Citizen I to Citizen K, who in exactly the same social circumstances is either unable or unwilling to make any attempt to address or control the biases in question [...] Now consider Citizen J, who is generally able to control their (explicit or implicit) biases in the context of handling some social “out-group” while carrying out their professional activities in a public institution in early 21st Century Western Europe. Compare Citizen J to Citizen L, who in exactly the same social circumstances is either unable or unwilling to make any attempt to control the biases in question [...] Given that these circumstances are relevantly different with respect to the common expectations made of public officials in the early 20th and the early 21st Century, for example, it is only reasonable to expect that the moral assessments made of otherwise identical behaviour across these contexts will correspondingly differ. (Lillehammer 2020: 1021–1022)

According to Lillehammer, although Citizens I and J exhibit the same behavior, Citizen I will be judged more favorably than Citizen J. Similarly, although Citizens K and L exhibit the same behavior, Citizen L will be judged more harshly than Citizen K. But, these differential moral assessments are due to circumstances beyond the citizens’ control. Thus, these agents are subject to moral luck. The moral luck is diachronic because moral assessments change through time; it is choice-independent because differential moral assessments are not based on choices made by the agents; and it is circumstantial because it concerns the agents’ respective circumstances. Thus: diachronic, choice-independent, circumstantial moral luck.

⁷ Even voluntaristic theories of obligation tend to leave untouched the so-called negative obligations, like obligations not to murder or steal.

⁸ Similar problems beset Zimmerman’s other putative novel forms of moral luck: axiological luck, aretaic luck, and hypological luck.

The problem with this, however, is straightforward. Although it is plausible that agents are not in control of the historical era in which they grow up and that the historical era in which agents grow up can (and should) influence the moral judgments we make about them, it is implausible that the historical era in which agents grow up is modally fragile, chancy, or a matter of luck. Indeed, some versions of the nonidentity problem are built on this very idea (i.e., the idea that the historical era in which agents grow up is not chancy). Thus, Lillehammer's novel form of moral luck, like Zimmerman's, does not seem to withstand critical scrutiny.

Along the same lines, Bernstein coins the term 'proportionality luck' to refer to luck involving "an agent's proportion of moral responsibility for an outcome being out of that agent's control" (Bernstein 2019: 2). Bernstein's idea is that an agent's moral responsibility for an outcome is proportionate to her causal contribution to that outcome, and her causal contribution to that outcome can be beyond her control. To illustrate, Bernstein uses a thought experiment involving two alternate scenarios:

(Victim) Two independently employed assassins, unaware of each other, are dispatched to eliminate Victim. Being struck by one bullet is sufficient to kill Victim. Each assassin shoots, and Victim dies.

(Hardy Victim) Two independently employed assassins, each unaware of the other, are dispatched to eliminate Victim. Unbeknownst to both assassins, Victim is particularly hardy, and requires two bullets for his demise. Each assassin shoots, and Victim dies. (Bernstein 2019: 2)

According to Bernstein, whether Victim is hardy is outside of the assassins' control. But, whether Victim is hardy determines the assassins' causal contribution to Victim's death (either their actions are independently sufficient, or they are jointly necessary). So, if an agent's moral responsibility for an outcome is proportionate to her causal contribution to that outcome, then, Bernstein argues, the assassins' moral responsibility for Victim's death is subject to luck.

I note in passing that Bernstein's claim about the proportionality relation between responsibility and causality is irreconcilable with Sartorio's analysis of *Thirsty*.⁹ The point for present purposes, however, is that, although whether Victim has a hardy constitution is plausibly outside of the assassins' control, it is not modally fragile and, thus, once again, a putative example of moral luck fails to connect. From this, it may be

⁹ This is so for three distinct reasons. First, because, according to Sartorio, X is responsible for the traveler's death in *Thirsty* despite not causally contributing thereto: 0 causality is not proportionate to full responsibility. Second, because, in addition, according to Sartorio, Y is not responsible for the traveler's death in *Thirsty* despite having the same causal contribution as X: X and Y, according to Sartorio, make the same causal contribution to the traveler's death, whence it should follow, if Bernstein's proportionality claim is accepted, that they bear the same responsibility. Third, because, finally, according to Sartorio, X bears no responsibility for the traveler's death if Y is replaced with a natural occurrence: X makes the same causal contribution to the traveler's death regardless of whether his action is followed by Y's or the natural occurrence, whence it should follow, if Bernstein's proportionality claim is accepted, that X is equally responsible regardless of whether Y is replaced with a natural occurrence. While I do not want to defend Bernstein's claim about proportionality, I have argued in the main text above that all three of these aspects of Sartorio's account should be rejected.

seen that Sartorio's neglect of the chanciness of moral luck is neither unique nor, when it takes place, innocuous.

Now I would like to make good on a promissory note from above. I pointed out in the preceding that there are those who, in response to debates about the nature of luck in general, and about the sunrise objection in particular, argue that moral luck is *sui generis*, not a species of luck (Anderson 2019; Hartman 2019; Lang 2021). In this way, they try to preserve the idea that lack of control is sufficient for moral luck even if it is not so for luck simpliciter. Those who champion this approach will not find the arguments I have made in this final section persuasive.

I cannot take on this approach in depth here. But, I do want to take a quick pass at it. It seems to me that, if we do not accept chanciness as a necessary condition for moral luck, moral luck becomes too inclusive. We have seen this above in the discussion of Zimmerman: most obligations are outside of agents' control and, thus, on the *sui generis* account, most deontic propositions are a matter of moral luck. However, it does not stop there. Agents are generally not in control of their circumstances. Thus, a *sui generis* account implies that circumstantial moral luck will be, if not universal, at least nearly so. Indeed, even if the *sui generis* account can sidestep the sunrise objection, it might be subject to an analogous one inasmuch as none of us is in control of the fact that it gets dark at night, which makes it easier for crimes, actions about which we make morally loaded judgments, to be committed. So, while I concede that proponents of the *sui generis* account will not find the arguments in this section of my article convincing, I think that the *sui generis* account itself, and the arguments with which it is generally defended, might not withstand critical scrutiny.¹⁰

Conclusion

In this article, I have critically examined Sartorio's analysis of the *Thirsty Traveler* thought experiment. I began by disputing her claim that neither X nor Y is a cause of the traveler's death. I then turned to her positive account of the causal structure of the thought experiment. I raised a number of objections thereto, and I proposed an alternative analysis. In the final section, I looked at how Sartorio uses her analysis of the causal structure of the *Thirsty Traveler* to motivate a novel form of moral luck. I pointed out that Sartorio neglects the chanciness condition of moral luck, and I showed that, once we take this condition into consideration, Sartorio's novel form of moral luck cannot be disentangled from other forms of moral luck. I then briefly analyzed some other attempts to introduce novel forms of moral luck in order to show that Sartorio's neglect of the chanciness condition of moral luck is widespread.

¹⁰ Proponents of the *sui generis* account sometimes argue that only they can make sense of constitutive luck, and that this is a point in their favor. However, I am not convinced. On the one hand, there are aspects of agents' constitutions which are chancy, at least if we take the long view: values, character traits, and dispositions are often path-dependent, and these paths are often modally fragile. On the other hand, when an aspect of an agent's constitution seems to be non-chancy, for my part, I find that intuitions about moral luck begin to melt. So, I suspect that the appeal to constitutive luck, when played out in full, will actually militate against the *sui generis* account.

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