Cambridge Quarterly of Healthcare Ethics (2023), 32: 1, 34–40
doi:10.1017/S0963180122000470

CAMBRIDGE UNIVERSITY PRESS

ARTICLE

Accepting Moral Luck and Taking Responsibility in Public Health Crises

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Abstract

We see cases of moral luck arising in recent times, as we face the uncertainties of provisional rules for navigating the coronavirus pandemic. How should we respond to rule-breakers, and how should they view themselves, when they cause harm inadvertently? Although some argue that guilt is unnecessary for any harm that may result from luck, this paper takes moral luck seriously and encourages consideration of the benefits to be achieved by expressions of self-blame amidst troubling circumstances, from pure accidents to how we live during pandemics. It argues that rule-breakers in public health crises show us the importance of taking responsibility for our actions.

Keywords: moral luck; moral responsibility; blame; rule-breaking; pandemics; public health

Introduction

It appears that we see newfound cases of moral luck arising today, as we face the uncertainties of provisional rules for navigating the coronavirus pandemic. Moral luck, in short, is the idea that factors beyond our control—chance, fortune, or accidents, whether good or bad—play a role in our moral evaluations of others. It is that sense we have when, for example, a person's actions turn out to have terrible consequences despite the fact that she meant well. We might naturally blame that person to a greater degree, and think of her as morally inferior, compared to those who had the very same intentions but without the bad consequences.

Consider two COVID-positive individuals who both mean no harm, but one inadvertently infects and brings great harm to many others.[1] The question is: Are they equally blameworthy? Those who are inclined to place even a bit more blame on the one who caused harm are generally considered supporters of the reality of moral luck. That is, to them, luck plays a role when morally evaluating others. For those who think that is unfair—and that we should be blamed only according to our intentions—the existence of moral luck must be denied. But for many, the problem is often that we want to be committed to fairness, yet we cannot shake the inclination that those who cause more harm deserve more blame.[2]

The problem of moral luck, brought into focus by Thomas Nagel and Bernard Williams,[3] continues to captivate philosophers and tug the intuitions of students. I believe many of us, in ordinary life, occasionally have the sense that somehow our agency is affected by factors far beyond our control: our culture, our upbringing, or even the precise timing of our decisions and actions. Still, it may indeed be hard to say how or why we are responsible, if at all, when these factors are involved, and this is one of the key conundrums in the debate over moral luck. The position I wish to pursue closely follows the response given by Susan Wolf—that is, there seems to be a "nameless virtue" maintained by those who view their own responsibility "in an expansive rather than a narrow way."[4] Some of us are willing to bear costs—financially, emotionally, and more—that go beyond what we would otherwise be responsible for, and in this way, we see that newfound cases of moral luck may provide new opportunities to show solidarity.[5] Although some argue that guilt and related responses are unnecessary for any harm that may result from

luck, I argue that rule-breakers in public health crises show us the importance of taking responsibility for our actions.

The Lorry Driver and The Lockdown

First, let me further set the stage with the fictitious but conceivable cases introduced by Roger Crisp.[6] In case Number 1, we have Lucky Linda, who unknowingly carries COVID-19 and deliberately violates lockdown restrictions—she drives hundreds of miles to see her father in a care home. On the way, she is stopped by police and fined, but fortunately, no one is infected as she visits her elderly father and returns home safely. In case Number 2, we have Unlucky Ulla, who is in the exact situation except that she infects her father who then infects others in the care home, and several deaths result.

For those who deny the influence of luck upon morality, Linda and Ulla are in the same position and ought to be treated the same. Crisp grants that both should feel guilty about putting other lives at risk, indicating that guilt is quite appropriate, or *fitting* as it is often put. If an emotion is fitting, one can endorse the response—it seems right or appropriate to feel that way.[7] Yet, he also argues that in cases where harm is a result of luck "there's no need for guilt," which suggests otherwise, namely that guilt is unnecessary. As Crisp claims, emotions are "a poor guide to morality, and it is time for us to move on from them" since they often lead us to mete out blame disproportionately.[8] Central to this argument is Adam Smith's Equitable Maxim, the idea that we should ascribe equal blame to equal intentions. Consequences alone, because they can be so wildly affected by luck, chance, and fate, do not accurately form our moral evaluations.

This view may seem intuitive when we consider cases of purely accidental harm, like Williams's famous example of the lorry driver. In short, a lorry driver "through no fault of his, runs over a child."[9] At first glance, it appears that for both the lorry driver and those who mean no harm during the lockdown, guilt and blame are inappropriate. Yet, upon further inspection, we can see that relating cases like the lorry driver to the lockdown is subtly misleading.[10]

A key to the lorry driver's blamelessness is that he was ignorant of the child's whereabouts and had no control over the accident that occurred. Indeed, knowledge and control are traditionally thought of as necessary conditions for moral responsibility. Since the lorry driver did not know of the possible harm and could not act otherwise given the sudden appearance of the child, we cannot properly say he is morally responsible. These sorts of features are not present in the cases of Linda and Ulla. By considering that both rule-breakers deliberately broke the rules and were reminded of this by the police who stopped them, it is clear that they were not ignorant of the possible harm that could result from their actions. They may have meant well, but surely, we see a degree of negligence in their disregard for public health measures. Likewise, by again considering their deliberate actions, we see plainly that they were in control as they visited a care home for vulnerable elderly persons.

In order to say the cases are suitably analogous, we would need to stipulate one of two modifications. We might imagine cases where lockdown rule-breakers are utterly ignorant of the pandemic, and thereby unaware of the possibility of harming others by spreading the infection. But this sounds highly implausible in our world today, and indeed Linda and Ulla are said to be aware of the outbreak and provisional regulations. Otherwise, we might imagine a case where the lorry driver is purposely driving during a peculiar era when children are especially prone to pop out into the roadways. This would render the analogy much tighter, yet for both the lorry driver and the unlucky lockdown rule-breaker, we would then see a good reason to expect some degree of blame.[11]

Blame for Unintended Consequences

Let us say we grant the analogy nonetheless, considering that luck seems to have an effect upon the events that transpire in all of these cases, from the lorry driver to the lockdown rule-breakers. Imagine, for instance, that some lockdown rule-breakers really do not mean any harm; they simply want to see a loved

one, and doing so requires the violation of a current public health guideline. What follows from this? What might we learn about how the rule-breakers should be treated?

At the forefront of Crisp's exploration is the question: "Is it ever right to blame people for the unintended consequences of their actions?"[12] By denying the influence of luck upon morality, he can firmly answer "no," and this response will find a good company with those who accept Smith's Equitable Maxim and with followers of Kant who prize intentions and goodwill as the determinants of moral appraisals. However, it appears that the wrong question is being asked.

Consider those cases where a lockdown rule-breaker has the best of intentions, means no harm and just wants to visit a loved one. We can further stipulate that the loved one welcomes the visit and even understands the risk of harm at stake. Where harm occurs nonetheless, sure, there will be many who can agree that it is not right for *us* to blame the rule-breaker. After all, she meant well and the harm was unintended. But the more difficult question, and the more important line of inquiry for Williams, is the question: Is it ever right for people to blame *themselves* for the unintended consequences of their actions?

The question of self-blame for unintended consequences is, I believe, far more complex and not as quickly answered as the question of blame from others, since naturally, many do not want to get their own hands dirty by blaming others where blame might be misplaced. The question of self-blame is central to Williams's widely-discussed notion of "agent-regret"—the reaction much like ordinary guilt or regret, but experienced only by those who are causally and unintentionally involved in bringing about unfortunate events.[13] To be sure, those who prioritize intentions above all else can grant that agent-regret is appropriate. They may share the intuition that the lorry driver should express grief or make some effort to console the parents of the harmed child, despite committing no moral wrongdoing.[14] However, we should be cautious of suggestions that these efforts are unnecessary or that we should move beyond appeals to agents' emotions in our moral evaluations. Let us imagine, by contrast, a case where the lorry driver appears to the parents as unaffected by the loss of their child, or where an unlucky lockdown rule-breaker is without any response akin to guilt. No doubt, we may well agree that others do not deserve blame, even from themselves, in cases where luck steered the outcome more than their intentions, but that does not mean we do not evaluate a person in light of their responses to misfortune.

For those who prize intentions above all else, it may seem that there is nothing especially unsettling about an emotionless response on behalf of one who causes harm, as long as the harm is truly unintentional. Morality, for them, is a system of rules and does not encompass what happens in the world, even as a direct result of our actions. Still, it is difficult to deny that where a lockdown rule-breaker inadvertently causes a multitude of deaths, some good—moral and social goods—can be achieved by an expression of self-blame, by one taking responsibility and committing to improve the future. I will expand, below, on the idea of taking responsibility and the potential goods that stand to be achieved by it.

As for Linda and Ulla, perhaps *we* will not blame either of them if they truly meant well. But where Ulla herself shrugs off the unintended deaths she caused, we see a moral fault in her character, an indication of her apparent disregard for others,[15] revealing that morality indeed encompasses what happens in the world, particularly the ways we respond to it.

Taking Responsibility: Personal, Professional, and Public

Advice against confronting one's emotional responses is often tied to historical anecdotes about religion and the origins of purification via atonement for one's sins. Crisp makes this move and it may appear quite persuasive, since rationally minded philosophers might lean toward secularity, or at least away from unquestionably embracing highly orthodox creeds. By appealing to these leanings, some ethicists will argue that just as there is no need to purify our souls, there is no need to purify our moral conscience with apologies and expressions of guilt. Both sorts of practices are outdated and not relevant for assessing responsibility, they can say, and we would be better off by forging a future where we are free of irrelevant feelings that keep us dwelling on the past. This line of argument can be launched in support of Linda and Ulla being moral equals and of the view that guilt and self-blame for inadvertent harms are unnecessary. But what this position takes less account of is the fact that the natural responses of the agents themselves

are much more than outdated analogs of atonement. In many cases, an expression of some negative response—like guilt or regret, or self-blame generally—will have no relation whatsoever to an attempt at self-purification. Indeed, if one's own purity were the primary drive, it would seem that expressing oneself accordingly is morally neutral at best, and perhaps quite selfish.[16]

Rather than accepting that guilt and related responses are unnecessary, we can allow those who inadvertently cause harm to *take responsibility*, even where they do not deserve to be held responsible. But what does it mean, conceptually, to "take" responsibility, and why exactly would we want someone to do this? In order to address the conceptual inquiry, I will expand upon two recent accounts,[17] the first of which was put forward by Elinor Mason. In a recent paper, Mason argues that with our personal relationships come various duties, which often require an "attitudinal back-up"—a sort of personal investment whereby we show a willingness to apologize or express remorse, even where the circumstances were beyond our control. For example, imagine that Amy's friend Betty is late for their important lunch date, due to a completely unexpected traffic jam.[18] Considering that the failure was not her fault, it seems that Betty does not deserve any blame; nonetheless, her innocence for being late is unlikely to be Amy's preferred topic in their ensuing conversation. Instead of focusing on why she cannot be appropriately blamed (even if that is indeed the case), Betty can reiterate her awareness of the importance of the date, she can reconsider the actions that led to this outcome, and she can offer an apology, all while they both actively recognize that Betty deserves no blame. In this way, *taking* responsibility—namely where responsibility is not already ascribed to us—is a social mechanism by which we show that we care more about our relationships and communities, including the duties, common goals, and shared values within them, than we do for assuring that others see us as innocent of any wrongdoing.

Relatedly, in my work on responsibility in cases of medical errors, I have argued that the very same mechanism Mason locates in personal relationships likewise applies to many of our professional relationships. In particular, interactions between patients and healthcare workers provide key illustrations of what it can mean for someone to take responsibility where that person would otherwise not be held individually responsible for the outcome in question. Imagine, for instance, that a patient comes to harm as a result of systemic oversights maintained by a clinic—say, staffing shortages that left the patient without adequate care. An attending physician or nurse, or perhaps others associated with the clinic,[19] can show that they are invested in the duties associated with promoting patients' well-being. They can sit down with the harmed patient, or with the patient's family, and offer a heartfelt explanation of what happened and a commitment to improving their clinic's practices.[20]

Again though, why exactly would we want someone to take responsibility in these ways, whether in personal or professional contexts? Although the answers here may seem quite intuitive, a brief articulation of several reasons will help to see that in some cases we might appropriately extend the mechanism of taking responsibility to our public relations as well. First, as Mason shows, by taking responsibility—*owning up* to actions and outcomes where agency may be ambiguous—we show victims of harm that the situation is being taken seriously, that their interests matter and *any* failure to promote them calls for a degree of remedial action. This sort of reasoning, again, can extend from personal relationships to some professional domains, particularly professions (like medicine) involving morally significant goals.[21] Second, beyond helping the individual victims of harm, taking responsibility stands to promote a broader sense of trust and solidarity within communities, whether on local or global scales.[22] That is, showing an attitudinal backup can help others know that any setback to legitimate human interests—however inadvertent it may be—is a cause for concern. It is an opportunity to step up and help those in need, rather than retreating from undesirable circumstances on the basis of one's innocence.

Mason argues that we should be willing to take responsibility "because of the goods to be realized."[23] As I have suggested, whether in personal or professional contexts, the potential goods of taking responsibility include helping immediate victims of harm, as well as promoting trust and solidarity within communities. To be sure, this sort of social mechanism and the reasons to deploy it can be seen as extending to public relations, especially in times of widespread crises. It is difficult to deny that during the outbreak and ongoing transmission of communicable diseases, we share with others a common goal of minimizing suffering. We share common values with others near and far, namely promoting health and immunity against current threats to our well-being. Granted, it would be unreasonable to expect one to

take responsibility, express regret or a commitment to improve the future, in an effort to address the infection of every individual. Still, the awareness of a growing health crisis, and the fact that our actions play a role in its alleviation or exacerbation, should give us pause. Although we could find contentment in our innocence, at times it seems that finding only contentment is to miss out on opportunities to promote the well-being of an untold many.[24] Particularly in times of collective crises, we can show that the circumstances matter, that any losses are being taken seriously and that efforts should be made to improve the future.

Conclusion

Those who inadvertently bring about harmful consequences can do something other than shirking blame by explaining their good intentions. They can resist the urge to forego apologies and guilt, and recognize that their natural responses can serve positive moral and social goods. Nevertheless, one could object to my account on the grounds that we might as well blame *anyone* who is not strictly responsible.[25] However, surely there are important differences between *taking* responsibility where responsibility is not already ascribed and *giving* responsibility where responsibility is not already ascribed. Most notably, as I have argued, those who are willing to take responsibility reveal something about *themselves*, namely that they care about others with whom they stand in personal or professional relationships, or with whom they participate in a community of shared values and goals. In making their concerns known, particularly to those in need, these individuals are well-positioned to assure others that the losses matter and will motivate the pursuit of future improvements, even where undesirable circumstances were brought about by luck. By contrast, those who would try to give responsibility where responsibility is not already ascribed may indeed reveal something about themselves. But in doing so, it seems unlikely that they reveal a genuine concern for others, particularly those in need. Indeed, it is far from clear that those who would push off blame on others are in any position to assure us of a brighter future.

Those who play even a minimal, unintentional role in bringing about unfortunate outcomes can take responsibility, precisely because doing so is not a matter of dwelling on the past, but rather a means of helping any victims of the unintended harm. Consider the pursuit of justice via truth and reconciliation commissions, where wholly new regimes can still apologize for systemic atrocities and help future generations understand what happened and move forward. Consider that automobile drivers who accidentally hit children crossing the road can help families know that the loss matters and will motivate positive change. Consider that those who fail to abide by existing guidelines for navigating the pandemic, no matter how good their intentions, can help better manage public crises.

Taking responsibility for outcomes and events beyond one's control is, in these ways, an enduring virtue of active participants in a moral community. It is a sign of solidarity in the midst of challenging times. Although the responses of those who take responsibility may not follow neatly from their intentions, it seems that the world often turns in unexpected ways. Importantly, we can make the world a better place, by being there for one another—socially distant but emotionally invested—no matter what luck may bring.

Notes

1. This set of cases was introduced by Crisp R. What the problem of moral luck can teach us about lockdown rule-breakers. *New Statesman* 2020; available at https://www.newstatesman.com/international/2020/08/what-problem-moral-luck-can-teach-us-about-lockdown-rule-breakers (last accessed 29 June 2021). I will discuss the details further below.
2. My depiction of moral luck here is reflected in Nelkin DK. Moral luck. In: Zalta EN, ed. *Stanford Encyclopedia of Philosophy* (Summer 2019 Edition); available at https://plato.stanford.edu/archives/sum2019/entries/moral-luck/ (last accessed 29 June 2021). As the present article deals only with a brief application of moral luck, I highly recommend Nelkin's work for a more thorough treatment of the issue.

3. Nagel T. Moral luck. In: *Mortal Questions*. New York: Cambridge University Press; 1979; Williams B. Moral luck. In: *Moral Luck*. Cambridge: Cambridge University Press; 1981.
4. See Wolf S. The moral of moral luck. *Philosophic Exchange* 2001;**31**:5–19. The account defended here provides contemporary illustrations of this view. Yet, subtle differences can be drawn, for example, by noting that for Wolf the 'nameless virtue' consists in going beyond what *one is responsible* for, quite 'objectively'. Whereas, for myself and others, responsibility just is a matter of *holding* oneself or others responsible. For an account of the latter, see Shoemaker D. Response-dependent responsibility; or a funny thing happened on the way to blame. *Philosophical Review* 2017;**126**:481–527.
5. Here I have in mind the idea of solidarity as actions that reflect 'a collective commitment to carry costs (financial, social, emotional, or otherwise) to assist others'. See Prainsack B, Buyx A. Solidarity in contemporary bioethics–Towards a new approach. *Bioethics* 2012;**26**:343–50.
6. See note 1, Crisp 2020.
7. See D'Arms J, Jacobson D. Sentiment and value. *Ethics* 2000;**110**:722–48.
8. See note 1, Crisp 2020.
9. See note 3, Williams 1981.
10. Further, as I argue below, if there are similarities to be drawn, it is mainly in the sense that for both the lorry driver and lockdown rule-breakers, there are good, forward-looking reasons to express negative emotional responses.
11. Interestingly, because rule-*followers* might also inadvertently infect others, the account defended here can be said to apply to them too. That is, for rule-breakers and -followers, there may be good reason to expect some degree of blame even for purely inadvertent harms. For comments on this point, I thank an anonymous reviewer.
12. See note 1, Crisp 2020.
13. See note 3, Williams 1981.
14. For insightful discussion on the lorry driver's response, see Jacobson D. Regret, agency, and error. In: Shoemaker D, ed. *Oxford Studies in Agency and Responsibility*. Vol. **1**. Oxford: Oxford University Press; 2013.
15. Relatedly, Shoemaker argues that an agent would be 'quite callous' to perk up after 'playing a key role in a tragic causal chain.' Shoemaker D. *Responsibility from the Margins*. New York: Oxford University Press; 2015:86.
16. For helpful discussion on this point, see Nagel T. War and massacre. *Philosophy and Public Affairs* 1972;**1**:123–44.
17. See Mason E. Between strict liability and blameworthy quality of will: Taking responsibility. In: Shoemaker D, ed. *Oxford Studies in Agency and Responsibility*. Vol. **6**. Oxford: Oxford University Press; 2019; Also, Tigard DW. Taking the blame: Appropriate responses to medical error. *Journal of Medical Ethics* 2019;**45**:101–5.
18. The following scenario is a variation on Mason's example of Perdita inadvertently losing her friend's necklace. See note 17, Mason 2019.
19. In cases of harms resulting from the use of digital medical data, it may be particularly unclear who is responsible and how to remedy the situation. Accordingly, we see the need for newfound 'harm mitigation bodies'. See McMahon A, Buyx A, Prainsack B. Big data governance needs more collective responsibility: The role of harm mitigation in the governance of data use in medicine and beyond. *Medical Law Review* 2020;**28**:155–82.
20. Naturally, this position is open to criticism by those concerned for the psychological wellbeing of individual agents who take responsibility, emphasizing instead the team-oriented nature of healthcare, specifically. See Duthie EA, Fischer IC, Frankel RM. Blame and its consequences for healthcare professionals: Response to Tigard. *Journal of Medical Ethics* 2020;**46**:339–41. For resistance to the dichotomy between a so-called 'culture of blame' and a 'culture of safety', see note 17, Tigard 2019; also, Tigard DW. Taking one for the team: A reiteration on the role of self-blame after medical error. *Journal of Medical Ethics* 2020;**46**:342–4.
21. As Bernard Williams notes, 'lawyers and doctors have elaborate codes of professional ethics… [because] clients need to be protected, and be seen to be protected, in what are particularly sensitive

areas of their interests.' Williams B. Politics and moral character. In: *Moral Luck*. Cambridge: Cambridge University Press; 1981:54–70.

22. Again, see note 5, Prainsack, Buyx 2012; Also, Prainsack B. The "we" in the "me" solidarity and health care in the era of personalized medicine. *Science, Technology, & Human Values* 2018;**43**:21–44.
23. See note 17, Mason 2019.
24. Along with public health crises, consider here the relevance of environmental concerns or the recent social justice movements. For some, it will be not only difficult but perhaps impossible to remain content, to not take some degree of responsibility and be moved to improve the future.
25. For pressing me on this point, I thank an anonymous reviewer.

Cite this article: Tigard D (2023). Accepting Moral Luck and Taking Responsibility in Public Health Crises. *Cambridge Quarterly of Healthcare Ethics* 32: 34–40, doi:10.1017/S0963180122000470