Luck and Manipulation Cases: A Response to Professor Haji

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ABSTRACT: In his paper published in this issue, Ishtiyaque Haji argues that the challenge to compatibilism from luck is not novel. Rather, the challenge is identical to that from manipulation cases, and compatibilists already have responses to that challenge. In response, I distinguish two different luck problems for compatibilism. One challenge is seen in manipulation cases, but the challenge he identifies is different from the challenge from manipulation. The luck problem is therefore novel, and the existing solutions to the challenge from manipulation fail to address it.

RÉSUMÉ : Dans un article publié dans ce numéro, Ishtiyaque Haji soutient que la difficulté posée par la chance au compatibilisme n'est pas nouvelle, mais qu'elle est en fait identique au problème inhérent aux cas de manipulation, auquel les compatibilistes ont déjà répondu. Dans cet article, je distingue deux problèmes que la chance pose au compatibilisme. Si l'un des deux est bien celui que l'on trouve dans les cas de manipulation, celui identifié par Haji est cependant différent. La difficulté soulevée par la chance est donc bien originale, et les solutions au problème des cas de manipulation échouent à y répondre.

In his fascinating paper, Ishtiyaque Haji[1] argues that the luck problem that I,[2] and more recently Mirja Pérez de Calleja,[3] have alleged dogs compatibilism is neither new nor (he implies) especially troublesome. Haji reconstructs the luck

1 Haji, this issue.

2 Levy 2011.

3 Pérez de Calleja 2014.

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problem so that it turns on what he calls the *bypassing* of agential capacities for deliberative control. Such bypassing is, he concedes, a *prima facie* threat to freedom, but it's not a new threat: rather it's the very same threat on which compatibilists and libertarians alike have focused in discussions of manipulation cases. Not only is the problem not novel, Haji suggests, but it is a problem that both camps believe that they can solve. So there is no distinct problem of luck for compatibilism, nor is there any special reason for compatibilists to worry.

In this paper, I argue that there is something right and something very wrong with regard to Haji's reconstruction of the luck argument. He is right that the luck problem—at least that element of the luck problem on which he focuses—*can* be reconstructed in such a manner that the problem can arise in manipulation cases. He may also be right that the problem is usefully thought of as turning on what he calls bypassing. Nevertheless, Haji is wrong in thinking that, as they are usually constructed, manipulation cases turn on the very same problem on which Pérez de Calleja and I have focused. More importantly, he is also wrong in thinking that the bypassing that features in luck cases undermines moral responsibility in the same way in which it is supposed to undermine responsibility in manipulation cases. The challenge from luck is not the challenge that libertarians and compatibilists have addressed in discussing manipulation cases, and their solutions to the manipulation problem do not transfer to the luck problem. The luck problem is, for compatibilists, a genuinely novel problem, whether or not it is soluble.

That is not to say that the luck problem upon which Haji centres his discussion is intractable. Haji's main target is Pérez de Calleja, not me, and Pérez de Calleja presents only half of the luck problem. While the half of the problem she exposes is a serious problem, and may entail that compatibilist agents exercise responsibility-level free will more rarely than we have thought, it does not entail that determined agents cannot be free. When the luck problem that Pérez de Calleja discusses—what I call the problem of *present* luck—is coupled with a distinct problem, the problem of *constitutive* luck, it is, I think, intractable. Compatibilists have no answer to Pérez de Calleja's problem, but they can reasonably deny that it is a problem that absolutely demands an answer. But they can't take that approach to the combined luck problem, because it entails that no one possesses responsibility-level freedom.

In order to show that there are two distinct luck problems, the one Haji focuses on and which is *not* the one at issue in standard manipulation cases, and another luck problem that *is* at issue in standard manipulation cases, we need an account of luck. In Section 1, I will sketch my own account. In Section 2, I will put the account to work: it is only in the light of the account of luck that we can see that compatibilists face not one luck problem, but two, and only thereby can we see that the problem is much harder to solve than Haji thinks. In Section 3, having shown what the challenge(s) from luck consist in, I show that Haji is wrong in thinking that the challenge from present luck, the one

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upon which he focuses, is identical to the challenge that compatibilists and libertarians have addressed in the context of manipulation cases.

1. The Problem of Present Luck

The debate over whether and how luck undermines freedom often founders on conflicting intuitions with regard to whether luck is at work in a particular scenario. To avoid this kind of impasse, we do better to utilize an account of luck. Building on the important work of Duncan Pritchard[4] and E.J. Coffman,[5] I have put forward such an account.[6] According to my account, there are in fact two kinds of luck. An event is subject to *present luck* when it is significant for an agent, that agent lacks direct control over its occurrence and it is chancy. An event is chancy when it occurs in the actual world but fails to occur in a high enough proportion of nearby possible worlds that differ from the actual world in at most trivial respects (how high a proportion is high enough depends on its significance: the lower the significance of the event for the agent, the higher the threshold). If determinism is false, then events may be chancy across possible worlds that are, up until the instant of the event, identical. If determinism is true, events may nevertheless be chancy, and therefore lucky. I don't think we need to wait on the abstruse musing of physicists to discover whether someone who was hit by lightning (in some area of the world in which lighting strikes are infrequent) was a victim of bad luck. He is the victim of bad luck because had the world been different in trivial respects (had he been standing *there* and not *here*—assuming that he had no special reason to be *here*—or had he walked out of his front door a scant few seconds later—again, assuming that he might easily have done so) he would not have been hit. Similarly, we don't need to know whether determinism is true to answer the question of whether Megan is lucky to win the lottery: had the balls rotated for microseconds longer, or if they had microscopic differences in curvature or roughness, different numbers would have been drawn.

It is easy to show that the putatively directly free decisions of agents are subject to responsibility-threatening luck if standard event-causal accounts of libertarianism are true (it is harder to show that the same holds true with regards to agent-causal libertarianism, though, like Haji himself,[7] I believe that this is the case).[8] When such agents make up their minds, and their so deciding is directly free, the decision is obviously significant for them (or rather, we only care about those that are significant for them). It takes very little work to

4 Pritchard 2005.

5 Coffman 2007.

6 Levy 2011.

7 Haji 2004.

8 For ease of exposition, I proceed in the text on the presupposition that decisions are the locus of freedom. Those who hold that actions and not decisions are the locus of freedom may easily reconstruct my claims so that they apply to their preferred view.

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show that in addition the agent lacks direct control over it and that it is chancy. It is chancy because (again, on standard event-causal libertarian accounts) when actions are directly free there is a significant chance that the agent makes a different and conflicting decision to the one she actually makes. She lacks direct control over it because any events, states or processes that might constitute her exercising control are identical across possible worlds in which she decides one way or another. If luck is a threat to responsibility-level freedom, then libertarians of this stripe have a major problem on their hands.

The account of luck offered above is neutral with regard to causal determinism. That raises the possibility that the problem of chancy luck might be a threat to compatibilist accounts of free will as well. Pérez de Calleja and I have each independently argued that in fact compatibilism does face such a problem. Let's assume that the significance condition with regard to a decision made by an agent who satisfies standard compatibilist accounts of free will is satisfied. It takes a little more work to show that the other two conditions are satisfied. The two conditions are tightly linked: agents lack direct control over their decisions when how they decide is subject to the chancy occurrence of events, such that if an event occurs they will decide one way and if it fails to occur they will decide another. If the agent lacks control over whether such an event occurs (either because its occurrence is not sensitive to her actions or because she fails to satisfy the epistemic conditions of control with regard to its occurrence), and it makes a difference to how she decides, she lacks direct control over her decision. If its occurrence is chancy (that is, it occurs in the actual world but fails to occur in a high enough proportion of possible worlds that differ in at most trivial respects from the actual world), then her decision is lucky. This is present luck: luck at or near the time of decision. So compatibilists, too, face a problem of present luck.

2. The Threat from Luck

From what I can tell, Haji does not deny that cases like the one described occur. If I understand him correctly, his first objection to what I have said so far is that it is too broad; my description captures both cases of luck in which luck is a (*prima facie*) threat to free will and those in which it is no threat at all. Consider a case in which a certain consideration comes, by chance, to an agent's mind and because that condition comes to mind the agent makes a different and conflicting decision to the one she would have made had it failed to come to mind.[9] In such a case, Haji suggests, neither compatibilists nor libertarians

[9] On every occasion on which Haji discusses this kind of scenario, he describes the consideration as *indeterministically* coming to mind. Most contemporary compatibilists intend their accounts to be compatible with determinism *and* indeterminism, so they may well want to embrace such a case as a case in which an agent acts freely. However, indeterminism need not be true for such cases to occur: no matter the causal structure of the universe, which considerations come to mind may be genuinely chancy.

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should think that the luck involved threatens the agent's moral responsibility. The reason is this: though it is true that what considerations come to the agent's mind is lucky, "both libertarians and compatibilists should agree that it may well be within an agent's control to attend to them."[10] Mele[11] makes a closely related point, in defence of his own version of libertarianism. On Mele's account, it is undetermined what considerations come to mind during deliberation; hence conflicting decisions are metaphysically possible for the agent. But since indeterminism affects the inputs into deliberation, leaving the agent free to assess the inputs, luck in the causal pathway is compatible with responsibility-level control.

I have responded to Mele elsewhere.[12] But my response targets Mele's claim that luck affects only the inputs into deliberation, and *therefore* isn't responsibility-undermining. In reply, I pointed out that this luck may be decisive in the sense that, had the lucky event of a consideration coming to mind failed to occur (as it easily might), the agent would have made a different decision. Haji, however, accepts that the luck may be decisive but insists that, because the agent exercises control in deliberation, the luck may be decisive and yet fail to be responsibility-undermining. He therefore suggests that only when the lucky event bypasses the agent's capacities of deliberative control is there a (*prima facie*) problem of present luck for the compatibilist.

I am not convinced. The problem with Haji's claim is best brought by considering a case in which present luck in the considerations which occurred to an agent have caused her to perform a morally bad action. Haji would have us blame her. But she seems to have a defence available. She can point out the following conditional is true: *had consideration c not occurred to me—a chancy event over which I failed to exercise direct control—I would not have performed the morally bad action*. It is, I think, reasonable to see the truth of this conditional as excusing: her counterpart in a nearby possible world is not blameworthy—may, indeed, be praiseworthy—and yet the difference between her and counterpart is not due to her, her mental states, character, will, and so on, but rather due to luck.

Reasonable people may disagree about whether the excuse offered succeeds. While, again, I am not convinced, for the rest of this paper I will assume that the excuse fails. For the sake of argument, at least, I will accept Haji's claim: there is a *prima facie* problem of present luck for compatibilists only when present luck is decisive *and* its influence bypasses agents' capacities of deliberative control. Will that ensure that the problem of present luck is immediately greatly reduced? I don't think so: rather, it will have its force undiminished. To show that, however, it is necessary to spend some time showing why the

[10] Haji, this issue (Section 2, Compatibilism and Luck).

[11] Mele 2006.

[12] Levy 2011.

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problem of luck is so threatening for the compatibilist. It is time to restore the missing half of the luck problem: the problem of constitutive luck.

It was no part of my brief to argue that the problem of present luck, the problem that is widely held to beset standard versions of event-causal libertarianism, is as severe for compatibilists as it is for libertarians. Rather, I pointed out that the problem is smaller for the compatibilist than for the libertarian because, whereas the latter claims that no action is directly free unless it is metaphysically open to the agent to perform more than one incompatible action, the compatibilist does not require any equivalent openness for freedom.[13] It is therefore compatible with her view that agents are rarely subject to present luck. Perhaps the typical agent—or perhaps a lucky few—get through life rarely encountering situations in which present luck is decisive for the decision-making (such agents may be subject to present luck, but it is not decisive when it fails to make a difference to the kind or valence of the action which it brings about; an agent doesn't have any sort of excuse, typically, at any rate, if she stole money at 10.01 pm rather than 10.00 pm). Nevertheless, I claimed, luck entails the falsity of all compatibilist accounts.[14] Though I can't attempt to demonstrate that here, I will try to show how luck entails the falsity of the members of a particularly popular family of compatibilist views: those that accept a historical condition on moral responsibility.

According to what I shall call *history-sensitive* compatibilists, responsibility is a partially historical concept, like sunburn. Nothing counts as sunburn unless it has the right kind of history; similarly, no one is morally responsible unless she has the right kind of history.[15] History-sensitivity is typically motivated by reflection on certain kinds of manipulation cases: would we blame a formerly upright person who has her brain 'rewired' without her knowledge, so that she possesses desires and beliefs that cause her immediately to go out and commit a horrendous act? I have argued that these thought experiments are best conceived of as turning on what Thomas Nagel[16] called constitutive luck;[17] luck in the traits, dispositions, values and commitments (states and traits, for short) with which we find ourselves. The intuition that the wrong kind of history undermines moral responsibility is the intuition that constitutive luck may undermine responsibility.

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13 Levy 2011, pp. 93-94.

14 Levy 2011.

15 Haji himself accepts a weak historical view, on which moral responsibility requires that an agent lacks the wrong kind of history; see Haji and Cuypers 2007; Haji 2009. If that account were correct, the problem I am about to sketch would be much more tractable. In my view, however, weak historicism makes the problem tractable by pretending it does not exist, not by confronting it. See Levy 2011.

16 Nagel 1979.

17 Levy 2011, p. 87.

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Constitutive luck is clearly a species of the same genus as present luck. Constitutive luck is clearly significant for agents and, just as clearly, agents lack direct control over it. It is, however, controversial that it is chancy: some philosophers have denied that there is any such thing as constitutive luck, on the grounds, roughly, that there are no nearby possible worlds in which agents lack the traits constitutive of them.[18] I think that this claim is false: I don't think we have any of our traits essentially. Nevertheless, I think that the chanciness condition needs to be modified to generate an account of constitutive luck: a trait or disposition is constitutively lucky for an agent when it is significant for her, she lacks direct control over it and the trait in question in relatively unusual in the relevant reference group. Thus, finding that one has a great talent for basketball is constitutively lucky for an agent, as is being born with a disability, but having two legs is not constitutively lucky for her, since having two legs is *not* unusual in her reference group. What is the relevant reference group? That is fixed by conversational context, but for most purposes we can use those members of her social group who are roughly contemporaneous with her as a reference group and yield the correct results.

The manipulated agents who feature in the thought experiments that motivate history-sensitivity are victims of good or bad constitutive luck. They suddenly find themselves with traits or dispositions over which they lack direct control, which are significant for them and which are relatively unusual in their reference group.[19] History-sensitive compatibilists see these kinds of manipulations as threatening to moral responsibility, but they also see themselves as having a solution to the problem they pose. Though manipulated agents are not responsible for actions that they perform immediately after the manipulation, they come to be responsible for their actions. They *take responsibility* for their dispositions and traits. Ordinary life offers them opportunities to learn about their dispositions, reflect on them and modify them in the light of reflection. The identical response serves as well as an answer to the problem of constitutive luck (as well it should, since, again, they are the same problem): though we are endowed, through genetics and formative environment, with varying states and traits, agents typically come to take responsibility for these states and traits as part and parcel of the normal process of maturation.

We now have the resources to see why the problem of luck is so significant for history-sensitive compatibilists. Haji wonders if Pérez de Calleja and I worry that the bypassing of agential capacities for deliberative control is much more common than philosophers have thought. Actually, I have no view on how frequently bypassing factors make a decisive difference to how agents decide (where a bypassing factor makes a decisive difference if it is true that,

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[18] See Hurley 1993.

[19] There may be a case for seeing the reference group as consisting of just two people in this case: the agent pre-manipulation and post-manipulation.

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in its absence, the agent would have made a conflicting decision). Rather, my claim is that *every* decision made by the agent is infected by responsibility-undermining luck: *either* the decision is infected by lucky bypassing *or* it is infected by constitutive luck.

Whenever a decision is easy for an agent, its easiness is explained by the states and traits constitutive of her. It is a 'no brainer' for her, given what she desires, given what she believes, given what she values. When it is *not* easy for her, this fact, too, is explained by reference to the traits constitutive of her: they are silent on the matter, or they pull in opposing ways. It is these kinds of cases, I claim, in which the agent is vulnerable to responsibility-undermining present luck via bypassing. Bypassing-style factors—chance influences on our cognition that go unrecognized by us and which either we cannot deliberate about or which have causal effects on cognition regarding which we are ignorant (and about which we cannot deliberate)—are absolutely pervasive. We are prone to a range of heuristics and biases, to the kind of priming studied by social psychology, to implicit biases, and so on.[20] Often, though (again, I take no position on how often), these influences make no appreciable difference to how we decide, because they are overwhelmed by our deliberation. The fact that I am primed in a way that makes me somewhat more favourable to stealing, say, will almost never actually result in my stealing, because too many of the states constitutive of me pull against stealing (I value honesty, I fear the shame of exposure much more than I desire the extra money, especially given that I am relatively comfortably off, and so on). Much the same holds for all of us with regard to a great many of our decisions: if bypassing factors influence what we decide, then the influence is not decisive (it affects the way in which we do something, the time at which we do it, and so on; not *whether* we do it).

My claim is that bypassing factors are not decisive when, and only when, the states constitutive of us insulate us against them. When matters are more evenly poised, from the deliberative perspective, we are vulnerable to these factors and present luck tips the balance.[21] When matters are not evenly poised, we are insulated against these factors, but then, I claim, constitutive luck explains our decision.

This latter claim needs some defence. I have argued that, whenever we are insulated against present luck, this fact is explained by the states and traits constitutive of the agent. But, obviously, the states and traits constitutive of the agent need not be the states and traits that she has as the result of luck in her

[20] See Levy 2014 for examples and discussion.

[21] The 'deliberative perspective' is not the agent's perspective. Agents may or may not realize that matters are relatively evenly poised from the deliberative perspective. There is extensive experimental evidence for *confabulation* of reasons: a bypassing factor causes a decision and the agent explains it to herself by reference to reasons that were not genuinely in play. See, for instance, Uhlmann and Cohen 2005.

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genes and formative environment. That fact is central to the history-sensitive compatibilists' response to the problem of constitutive luck. They claim that agents may take responsibility for their endowment: if they are not satisfied with the relevant traits, they may alter them, and when they do not alter them they may nevertheless endorse them. These claims—that agents may deliberately (or otherwise) alter their traits and that they may endorse them without altering them—are both obviously true. But the truth of these claims doesn't offer a solution to the problem of luck. The very actions whereby agents are supposed to take responsibility *for* their endowment of constitutive luck are themselves *either* vulnerable to present luck (when their initial endowment doesn't insulate them from it) *or* they are insulated from it by that endowment (or by states constitutive of the agent which have been produced by the interaction of present luck and the initial endowment). Though agents may alter themselves, sometimes quite dramatically, they don't exercise control over how they alter themselves: rather, the actions which alter their states, or which endorse them, are the product of present luck and the initial endowment as it has been modulated by present luck.

This being the case, the frequency of decisions produced by deliberation bypassing present luck doesn't matter. While our responsibility-level freedom is threatened by each such episode, we are no freer in the absence of such luck, because it is our endowment of constitutive luck, directly or as modified by present luck, that explains our resistance to present luck. Whether Haji is correct in thinking that luck in the considerations that come to mind doesn't undermine our moral responsibility by posing a problem of present luck, because we remain able to assess the considerations (say) that luckily come to mind is also irrelevant to whether we possess responsibility-level freedom: if in deliberating we are not subject to the problem of present luck, our resistance to that problem is explained by our constitutive luck. Between them, bypassing present luck and constitutive present luck play a decisive role in all our decisions. I call this the *luck pincer*. On their own, the threat from present luck and the threat from constitutive luck might each be addressed. But we do not face them alone, and our responses to each are vitiated by the other.[22]

[22] In his signed referee report on this paper Haji claims that I "assume" that there cannot be a solution to the problem that the historical condition represents. He says that he has never seen an argument to that effect, rather than an argument that this or that proposed solution fails. The remarks above, setting out the luck pincer, are intended to present a completely general argument as to why there cannot be a solution to the problem. Perhaps Haji believes that it is not intended as a general argument because it does not apply to his proposal (presented in his 2009 book). While it is true that the argument does not touch his proposal, this is compatible with its generality, since I believe that Haji's proposal succeeds at the cost of changing the subject (see Levy 2011, pp. 101-103).

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3. Manipulation and Luck: Is the Threat Novel?

Haji claims that the threat that luck poses to compatibilism is not novel; rather, it is the very same threat that is at issue in manipulation cases. Furthermore, he suggests, compatibilists (and libertarians) have the resources to address the threat. It is neither new, nor especially threatening. In setting out the nature of the threat from luck, I have had occasion to utilize the comparison with manipulation cases myself. That suggests that Haji might be on to something. Is the threat from luck just the threat from manipulation, and, if so, might the available responses to the latter suffice to see it off?

The threat from manipulation cases *is* the threat from constitutive luck. But the threat on which Haji focuses in his paper is not the threat from constitutive luck; it is present luck that is his focus (it is because he ignores constitutive luck that he drastically underestimates how serious the threat to history-sensitive compatibilism is). So, while Haji is right that there is *a* threat from luck that is identical to the threat from manipulation, he is wrong in thinking that the threat he identifies is the same as the threat from manipulation.[23]

To be sure, the threat from present luck *could* be presented in the form of a thought experiment turning on manipulation, but the thought experiment would present a decidedly non-standard manipulation case. We've already seen why: standard manipulation cases bring about states and traits that are significant for the agent and over which she lacks direct control, but the production of these states and traits need not be chancy. They are cases of constitutive luck, because the states themselves vary across relevant reference groups, but not of present luck. With that in mind, it is easy to conjure up a manipulation case that brings in present luck. We can modify the well-known Ann/Beth thought experiment[24] to make it turn on present luck. In the original case, their dean enlists new-wave brainwashing techniques to modify easy-going Beth to motivate her to work as hard as dedicated Ann. Beth is subject to a highly unusual form of constitutive luck, but not to present luck because the manipulation is not chancy: there is no reason to think that there is some nearby possible world that, up until the time of the manipulation, differed in only trivial respects from the actual world and in which Beth is not manipulated. There are, of course, possible worlds in which Beth is not manipulated, but they are worlds that differ markedly from the actual world: worlds in which Beth is

[23] In his comments on this paper for *Dialogue*, Haji expresses puzzlement at my claim that he identifies the threat to compatibilism from luck with the threat from manipulation cases. But he is explicit in his paper in making that identification, writing that the "problem of compatibilist luck […] is not novel in that it is an instance of a more general sort of problem to which both compatibilists and libertarians have attended" (Section 4, Parting Remarks). That fact is central to his claim that compatibilists have a ready response to the luck problem: they can utilize the machinery developed for dealing with manipulation cases to respond to the challenge from luck.

[24] The thought experiment stems from Mele 1995.

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already highly productive, in which the dean is less unscrupulous, or in which he suddenly dies, and so forth. We introduce present luck by stipulating details that make it the case that such a world is nearby. Here's one such case: Beth's transformation is the product of a lightning strike (which might easily not have occurred or which she might easily have avoided). Here's another: Beth's dean decides to conduct the manipulation only if he draws a face card from an ordinary deck at his first try. Now it is the case that Beth is subject to constitutive luck as well as to present luck, because her having particular states or traits is chancy.

So Haji is wrong to think that the problem of present luck is the problem that typical cases of manipulation pose. This is so even if he is right in thinking that present luck can undermine responsibility only when it proceeds by bypassing, and in claiming that standard manipulation cases also undermine responsibility via bypassing. It is, nevertheless, worth pointing out that, though compatibilist responses to constitutive luck cannot generalize to present luck (how could someone take responsibility for their present luck? Taking responsibility, in the manner required, takes time; it cannot be done instantaneously), Haji is correct in thinking that compatibilists can offer a unified explanation of why manipulation cases and present luck undermine moral responsibility: by way of bypassing agents' capacities for deliberative control.

By offering this unified explanation of why present luck undermines moral responsibility, Haji may respond to Pérez de Calleja by conceding that present luck threatens moral responsibility, but noting that the kind of bypassing required for the threat is surely not ubiquitous. At worst, he may contend, Pérez de Calleja shows only that we are freer less often than we think. But whatever the merits of this reply, it will not see off the much more serious threat from the luck pincer. The response does not begin to address the combined responsibility-undermining effects of constitutive and present luck. Even if Haji can diagnose the threat posed by present luck, and give reasons why it ought not to trouble us overmuch, he does not have a solution to the bigger threat and therefore to what he calls "the problem of compatibilist luck."[25]

[25] Haji, this issue. Here I must make an important concession. Hardline responses to manipulation cases have better prospects of seeing off the luck pincer than I have suggested in the main text. Hardline responses, exemplified by McKenna 2008, bite the bullet on constitutive luck: they deny that manipulated agents lack responsibility-level freedom. If there is no problem of constitutive luck, then there is no luck pincer and the problem of present luck might be solved or corralled (that is, it might be held that it undermines freedom, but that there is a large class of cases in which it is not at issue). Biting the bullet—or, as McKenna 2004 puts it, the mortar shell—on constitutive luck is (or entails) rejecting the claim that responsibility is essentially historical. As mentioned in the text, for reasons of space I limit myself to a discussion of how luck undermines history-sensitive compatibilism. It would take further work and different arguments to show that history-insensitive compatibilism is itself vulnerable to a devastating luck problem.

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With this result in hand, I am now in a position to bring out why the threat from luck is a novel one, distinct from the threat that manipulation poses to moral responsibility, even if Haji is right in claiming that present luck threatens moral responsibility only when it bypasses agents' capacities for deliberative control *and* that constitutive luck (in the form of manipulation cases) threatens moral responsibility by bypassing the same capacities. It doesn't follow from the fact that present luck threatens moral responsibility via bypassing and constitutive luck threatens moral responsibility via bypassing that the combined threat undermines moral responsibility via bypassing. The luck pincer threatens moral responsibility not via bypassing, but due to the fact that the only plausible solution to the problem of constitutive luck, agents' taking responsibility for their initial endowment from their genes and formative environments, is vitiated by luck (since the acts whereby agents would take such responsibility themselves either *express* their constitutive luck, or are subject to present luck). I think this is better seen as a threat from luck, and not a threat from bypassing.

Because he focuses on the work of Pérez de Calleja, Haji overlooks the real threat from luck to compatibilism. Pérez de Calleja gives us only half of the challenge, and by itself it is a challenge that might be overcome. Moreover, he mischaracterizes the threat on which her work concentrates, assimilating it to the threat that is at work in manipulation cases. Standard manipulation cases do indeed turn on a threat from luck, but not the threat with which Pérez de Calleja is concerned. The threat from luck is indeed novel. It is quite different from the threats to which philosophers have hitherto responded. And it is, I think, much more intractable.

Conclusion

In replying to Haji, I have had to develop my views and make distinctions that I had hitherto not made. As already mentioned, my response to Mele's argument, that luck in deliberation did not undermine responsibility, is insufficient to head off Haji's version of the same argument. I have briefly sketched why I am unconvinced by Haji's version, but I have also shown how the identical challenge can be mounted, even if Haji is right that only bypassing cases mount a serious challenge from present luck.

Showing that the challenge from present luck is not the challenge we see in standard manipulation cases, even if those standard manipulation cases do give rise to *a* luck problem, has also forced me to clarify the precise relationship between luck and manipulation. For these reasons, I think that Haji's paper has advanced the debate. Nevertheless, I resist its conclusions. Once we understand that compatibilism faces not one luck challenge but two, and carefully distinguish their nature, we come to see that the problem of present luck is a novel problem. It is a problem that might be soluble, on its own, but the combined luck challenges are not.

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